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A STUDY OF THE LEGISLATURE OF THE STATE OF MARYLAND

With special reference to the sessions of 1927 and 1929

BY

HARRY J. GREEN

A DISSERTATION

Submitted to the Board of University Studies of the Johns Hopkins University in Conformity with the Requirements for the Degree of Doctor of Philosophy

1929

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J. H. FURST CO., PRINTERS, BALTIMORE

PREFACE

Numerous books and articles expound the general theories concerning state government in the United States. Such works devote themselves, at least in part, to a discussion of the theories governing the operation of the legislatures within these states. General descriptions of the actual procedure and organization of these bodies also abound. A close scrutiny of such descriptions immediately makes manifest the absence of frequent references. The reason for this omission is that there is a great dearth of intimate written studies descriptive of the detail of particular legislatures and legislative sessions.

In view of the above facts, the present study is designed to detail with completeness the factors which in any manner affect the enactment of laws in the State of Maryland. An exhaustive study has been made of the records of the sessions of the General Assembly of Maryland prior to the year 1927. This research has been fruitful in revealing characteristics of the body, the traditions that have governed it and its general *modus operandi*. Other phases of the analyses and observations recorded are the result of personal study of the sessions of 1927 and 1929, by attendance in an official capacity in connection with the Bureau of Legislative Reference.

The author's purpose is to lay a basis for future generalization and theories relative to the legislative branch of state government. In order to effectuate that end, he has attempted to present the concrete facts and exclude purely personal impressions in so far as such is humanly possible. With these general purposes in mind, the following examination is submitted.

Genuinely grateful, the author acknowledges his appreciation to Profesor Westel W. Willoughby, at whose suggestion this work was undertaken, for his instruction and generous assistance; to Professor James Hart, for his inspiration and

constructive criticism; to Professor Frank J. Goodnow and Professor Walter Wheeler Cook for their instruction and the helpfulness of their personal contact; and indebtedness is also recognized to Dr. Horace Flack for his aid during the legislative sessions. The greatest appreciation is felt to the mother and father of the author, to whom this work is fondly dedicated, for their guidance and cooperation made possible all his scholastic work.

H. J. G.

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A STUDY OF THE LEGISLATURE OF THE STATE OF MARYLAND

WITH SPECIAL REFERENCE TO THE SESSIONS OF 1927 AND 1929

INTRODUCTION

The legislature of Maryland is one of the oldest law-making bodies in the United States. Prior to the Revolution, a legislative body was in existence, forming part of the colonial government; but since that time, the legislature of Maryland has progressed much in the same manner as those of the twelve other original States. Inasmuch as this study concerns itself with the structure and functions of the present day legislature, it is not necessary herein to delve into its history, as historical tradition has left but slight mark upon modern sessions.

As is true of the other States in the Union, the legislature forms one of the three branches of the government. The Declaration of Rights of the Maryland Constitution [1] contains the usual specification for a separation of powers between the legislative, executive and judicial departments, providing against the encroachment of one upon the field of another. The legislative department alone interests us here; yet, the other two branches are so closely allied to the legislature and so often affect its functions that they cannot be entirely dismissed from consideration. The General Assembly of Maryland, itself, may be considered rather as a typical state legislature. However, it may be of interest to penetrate deeper than the surface in order to discover the manner in which the body functions and to lay the basis for a comparison of its significant features with those of the legislatures of the other States. An especial study has been made by the author of the sessions of 1927 and 1929. Unless otherwise

[1] Article VIII, Constitution of 1867.

indicated, all observations referred to herein, were made during those years.

The formal name of the legislature of Maryland is the "General Assembly of Maryland."[2] The General Assembly is divided into two houses, the smaller, upper house being officially entitled the "Senate" and the larger, lower house being known as the "House of Delegates."

A general provision for the convening of the legislature is to be found in the Declaration of Rights,[3] wherein it is stated that for the purpose of redressing grievances, in order to amend, strengthen and preserve the law, the legislature ought to be frequently convened. The need for the creation of more laws is not contained in the above provision. Whether this omission was inadvertent or the result of keen foresight is problematical. The Constitution provides[4] that the General Assembly, beginning with the year 1868, shall meet on the first Wednesday of every second year and at no other time, unless convened by the governor. All State legislatures, save three, meet during the month of January. Florida convenes its body in April, Louisiana in May and Georgia in June. The Maryland sessions are now held on the odd years as a result of the recent constitutional amendment affecting elections and terms of office. It may be of interest to note at this point that the general practice is to hold sessions in the odd years; all of the states which do not hold annual sessions, except five, have their sessions fall in the odd years.[4a] The governor is given power to call extra sessions,[5] but rarely makes use of this authority. A special session was called just recently for the purpose of amending the election laws. The body met for only one day.

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[2] Constitution, Article III, Section 1. "General Assembly" is the term most generally used by the various States to denote the legislative body.

[3] Article XII.

[4] Article III, Section 14. In the Constitutions of forty-five States the articles relating to the legislative branch precede the articles pertaining to the executive and judiciary. Maryland is one of the three exceptions.

[4a] Kentucky, Louisiana, Mississippi, Vermont and Virginia.

[5] Constitution, Article II, Section 16.

Peculiarly, the governor is also given the power to convene the Senate separately.[6] This is singular, as both houses are necessary in order to pass any legislation and as the two chief non-legislative functions, impeachment and inquisition, are jointly vested in the two bodies. The only power at present which could give rise to use of the Senate without the House is the approval of gubernatorial appointments, and that power would now scarcely be invoked at a special session called for that purpose, particularly since the governor may make recess appointments.

The legislature may remain in session for any length of time, up to thirty days, when thus specially convened.[7] This power has always been sparingly used in Maryland; the last ten years have seen but one special session. In regular session, the legislature is empowered to sit as long as, in its judgment, public interest requires, but not to exceed ninety days.[8] The first provision relative to the public interest is of little consequence, as it is almost an unbreakable custom to remain in session the full ninety days and a bit longer by the simple expedient of turning back the hands of the clocks on the last day. Inasmuch as these ninety days are construed to be calendar days, the legislature is by no means in session daily for those ninety days. Meetings were held on fifty-one days in 1927, and in 1929 two or three meetings less were held. Little or no work is done until the session is drawing to a close. Undoubtedly, the quality of the work of the legislature is diminished more by the traditional habit of delaying action until the last moment than by any other single factor. It is equally true that the legislature is inefficient in that it wastes much time and money through these dilatory tactics. The members are paid by the day, and this system of payment gives one answer to the query why sessions are not

[6] Ibid.
[7] Constitution, Article III, Section 15.
[8] Ibid. There is no uniformity among the States in regard to the time limit on sessions. Some States have no limit, while in other States the limit ranges from forty, fifty, sixty, seventy and ninety days to five months.

shortened. However, the abolition of this system would not alone be wholly remedial. The legislative body has lapsed into the habit of procrastinating both with the introduction and the passage of bills and it is a habit that will be exceedingly hard to break from the inside. An attempt was made by the Speaker of the House during the 1927 session, for instance, to speed up the business. He had virtual control of his party, which enjoyed a large majority, and yet he failed. The President of the Senate also met with a similar result.

A most striking illustration of the effect of the last minute rush occurred at the close of the session of 1929. Senate Bill No. 43 was introduced early in the session. A companion bill was introduced in the House and died in the House committee. The bill attempted to make a change in the procedure involved in obtaining a divorce by a resident from a non-resident. It laid in the Senate Judicial Proceedings committee for a considerable period of time. It was finally reported favorably and passed by the Senate. The bill was transferred to the House and referred to the Judiciary committee where it remained until the last week of the session. A lobby implored that the bill be given a chance on the floor and, while at least several members of the committee were definitely opposed to its passage, it was returned to the House with a favorable report, obviously to be killed on the floor on final passage. On the next to the last day, it was called for the third reading. A motion to lay on the table was made and unanimously prevailed.

The effect of the rush now appears. The House Journal contained the proper entry. The unofficial record of the reading clerk on the bill was correct as was the pencil notation of the Chief Clerk, and the bill did not contain the usual certification of passage by the Chief Clerk; yet, the record book of the Chief Clerk showed its passage. The bill was returned to the Senate where it passed through the hands of the President, and its passage was announced by the reading clerk. The books of the Secretary of the Senate also disclosed final passage. Senate Bill No. 43 was then given Chapter No. 595

in the Acts of 1929. The bill was subsequently signed by the Governor in the presence of the presiding officer of each house and authenticated and codified.

The validity of the bill was questioned and it was held invalid. Those who testified in the case attributed the fact that the error was overlooked by so many different officers to the rush of the closing days; and the opinion of the judge concurred.[8a]

The question of remedy for the last minute rush, then, presents itself. Holding sessions triennially or quadrennially has been suggested. The answer to that suggestion is that affairs arise which must be handled more or less promptly and many situations could not be met because they had been unforseen three years previously; moreover, the dilatory methods would not be remedied. In addition, a logical argument is that the administration would usurp more of the powers of the legislature, for it would then be forced to run the government for three year periods, necessitating a wider supervisory control. The growing power of the administrative branch during the three years from 1924 to 1927 and the actions of the legislature at the 1927 session speak for themselves in strengthening the arguments of the antagonists of this plan. Annual sessions seem to meet with still stronger arguments.[8b] The answer seems to be in constitutional limitation on certain phases of procedure or in the employment of split sessions. Both houses have rules governing the introduction and passage of bills, but these rules, as a matter of courtesy to the member desiring suspen-

[8a] Mae Smith v. Harry Smith, in the Circuit Court No. 2 of Baltimore City, decided September 11, 1929, Frank, J. The opinion was published in the Baltimore Daily Record, October 29, 1929. The Attorney-General appeared as amicus curiae and did not appeal the case. The House journal clerk, the Secretary of the Senate, Chief Clerk of the House, the House Reading Clerk, the Chairman of the House Judiciary Committee and several of its members, the author of the motion to lay on the table and other Delegates testified at the hearing.

[8b] Alabama holds its sessions quadrennially. Six States (Georgia, Massachusetts, New York, Rhode Island and South Carolina) hold annual sessions; biennial meetings are the rule in the remainder of the States.

sion, are suspended at will. Constitutional limitations on the time of introduction, committee report and passage of bills would, taken as a whole, be of slight benefit. The difficulty is that a limitation without provision for exceptional cases and emergencies would work a hardship in certain contingencies, yet advantage would be taken of any loophole. The same fault lies in the parallel plan of split sessions; by this procedure, the session is split into two parts, one of fifteen or thirty and the other of sixty days, or the like. During the first session, bills are introduced and sent to committees. During the interval they are considered by the committees, and at the final session the measures are presented for amendment and passage. No bills are allowed to be passed during the first session, nor are any allowed to be introduced during the second. This system has been tried by several States, and while not shortening the sessions appreciably, tends to greater efficiency.[8c]

There was no meeting of the Maryland legislature following the session of 1924 until the session of 1927, as a result of new election laws.[9] These laws, while progressive, were passed for political reasons as well. The State usually votes Republican in the national elections, as is demonstrated by the fact that electoral votes have been cast for a Democrat but once in the last five presidential elections. On the other hand, the State is predominately Democratic in so far as State elections are concerned, as is demonstrated by the fact that there has been but one Republican governor during the same period. It was noted, and it was perfectly obvious, under the former biennial system of elections, that the Democrats always suffered when the elections were held on or near the time of national elections, as a result of the general trend. For that reason, the Democrats forced through laws which now prescribe quadrennial State elections, to be held during the middle of the presidential term.

Under these new laws, both Senators and Delegates are elec-

[8c] California and West Virginia have both recently installed split sessions.

[9] Constitution, Article XVII.

ted for four year periods, all going in and out of office at the same time. There was no longer any reason for different tenures in the two houses as the functions and necessary qualifications for office were so similar. The idea of the longer term was to remove the fear of not being reelected and to insure more efficiency through a greater familiarity with the office. The members themselves are speculating as to what the result will actually be.

It will be impossible to determine with certainty the effect of the new system until several bodies have served. The question of reelection will not until then be answered, for an election has not been held since the first, in 1926, under the new system.

The session of 1929, just adjourned, does not offer a satisfactory comparison with the session of 1927 in respect to efficiency. It is true that the session of 1929 was far more stormy, that insurgency and a disinclination to follow boss rule put in their appearance, and that a stronger play was made for public approbation. Not only is it difficult to judge from a single experience, but two important factors make any satisfactory decision impossible: the death of the Democratic boss of Baltimore City, and a scandal in the form of the discovery of misappropriations and thefts in an important administrative department.

The history of the rise and decline of the power of the legislature in comparison with the executive parallels the history of Congress and the other State legislatures. There is nothing unusual contained in the grant of powers to the Maryland General Assembly. The general grant supplies the power to pass necessary and proper legislation in order to carry out the terms of the Constitution.[10] Certain specific powers are also granted: the power to tax,[11] the regulation of elections,[12] the power to pass laws exempting property from attachment up to the sum of $500,[13] the power to pass general

[10] Article III, Section 56.
[11] Declaration of Rights, Article XV.
[12] Constitution, Article I.
[13] Ibid., Article III, Section 42.

corporation laws,[14] to punish bribery,[15] to establish a public school system,[16] to organize and regulate the militia,[17] and to establish new counties.[18]

Amendments to the Constitution may be proposed by the legislature, on condition that such proposals are passed by three-fifths of the members of each house.[19] Amendments are then referred to the people for ratification or rejection.

A large number of subjects are specifically removed from the jurisdiction of the legislature. Primarily, no local or special laws, extending time for the collection of taxes, granting divorces, changing names, for the sale of real property by minors, giving effect to informal or invalid deeds, refunding money paid to the State or releasing anyone from any State obligation are constitutional, unless recommended by the governor.[20] General laws are passed to cover the specific subjects. The only criticism of this provision is that it does not go far enough. Numerous additional subjects should be included in the list.

A number of other regulations prohibit special types of legislation: poll taxes are forbidden;[21] sanguinary, *ex post facto* laws, and bills of attainder are not to be enacted;[22] salaries of public officers are not to be increased or decreased during their term of office;[23] no person shall be imprisoned for debt;[24] no private property shall be taken under eminent domain without payment therefor;[25] special acts relative to corporations are to be passed only for municipal corporations, or where no general law exists;[26] *habeas corpus* is not to be suspended;[27] and finally, as a result of abuse prior to the date

[14] Ibid., Section 48.
[15] Ibid., Section 49.
[16] Constitution, Article VIII, Sec. 1.
[17] Ibid., Article IX, Section 1.
[18] Ibid., Article XIII.
[19] Ibid., Article XIV.
[20] Ibid., Article III, Section 33.
[21] Declaration of Rights, Article XV.
[22] Declaration of Rights, Articles XVI, XVII, XVIII, respectively.
[23] Constitution, Article III, Section 35.
[24] Ibid., Section 38.
[25] Ibid., Section 40.
[26] Ibid., Section 48.
[27] Ibid., Section 55.

of the present Constitution, a separate section is devoted to the prohibition of the purchase, for members, of books or other printed matter at public expense, unless pertaining to the business of the legislature.[28]

Certain non-legislative functions are assigned to the General Assembly. In case of a tie vote, it elects the governor.[29] It may imprison non-members for disorderly or disrespectful behavior for a period not exceeding ten days.[30] By joint ballot, the General Assembly appoints the State Treasurer, whose term of office is the same as that of the governor.[31]

Each chamber has several functions distinct from the other. The most important function, that of ratifying gubernatorial appointments to certain offices, is granted to the Senate.[32] The House, by a majority of its elected members, is empowered to bring impeachments; the Senate tries the offender, but the affirmative vote of two-thirds of all its members is necessary in order to convict.[33] The General Assembly also acts as the Grand Inquest of the State. The granting clause relative to this function is rather ambiguous and no judicial construction has ever been placed upon it.[34] The practical construction has been that the House is to look into grievances, complaints, and offenses; then a joint committee is to be appointed to consider the matter, having power to call for papers and witnesses.

The power of the legislature is gradually decreasing and the executive, at the same time, is becoming more powerful. When laws are passed creating new offices, the executive is given sole power of appointment. The recent legislation gives greater discretion to the administrative department. The present Governor is now nearing the completion of his third successive term, though the Declaration of Rights advocates rotation in office. This, alone, would tend to weaken the

[28] Ibid., Section 16.
[29] Ibid., Section 4.
[30] Ibid., Section 23.
[31] Constitution, Article VI, Section 1.
[32] Constitution, Article II, Section 10.
[33] Constitution, Article III, Section 26.
[34] Ibid., Section 24.

legislature in comparison to the governor. The process has been hurried by several factors; the Governor served for three years while there was no legislative session; he strengthened and reorganized the administrative departments during his term with the aid and consent of the legislature; finally, he changed the system of administrative departments and made the administration responsible to him. Moreover, the incumbent has taken an active part in legislation and has assumed leadership of his, the majority, political party in the State.

Various physical factors, such as environment and geographical location, affect the operation of the political organisms with which they come into contact; therefore, a digression for the purpose of determining the effect of these externals would not be amiss.

It seems quite possible that the capital and the capitol buildings can affect, to some extent, the workings of a legislature. Annapolis, an historic old town, lying on the Severn River, a tributary of the Chesapeake Bay, has long been the State Capital by virtue of a constitutional provision. It has been the seat of government of the State of Maryland since its inception, save for one short interlude when it became necesary for the legislature to remove its meetings to Frederick. The present Constitution [35] stipulates that Annapolis is to be the place of meeting and that no other locale shall be used except in case of evident necessity. Light is thrown upon the meaning of the term "evident necessity" in subsequent provisions which delineate the methods whereby, upon those occasions, the legislature or the governor may move that assemblage.[36] The town itself is small, having a population that has long remained stationary at about 15,000, and is not industrial to any appreciable extent. It lies on the western shore of the Chesapeake Bay.

The Chesapeake Bay cuts the State in two parts. This division was formerly of extreme importance in any consideration of the homogeneity of the people of the State; its importance

[35] Article II, Section 16.
[36] Constitution, Article III, Section 25.

is only now beginning to lessen, due to the improved methods of transportation. Perhaps, in the future, with the completion of the proposed bridge, all the effects may be obliterated. In passing, it may be apropos to state that the natural cleavage by water of the two sides of the State is accentuated by the fact that the interests of the people living on the several sides are almost entirely diverse. Those living on the eastern shore are largely interested in farming, fishing and oyster dredging, while the great mass on the western side have become engaged in industry and mining. This side of the shore is the situs, in addition, of Baltimore and several of the largest cities of the State. Baltimore is the largest city in Maryland with half of the population of the State, and those counties lying close to Baltimore are densely populated.

While the author can suggest no satisfactory substitute for Annapolis as Capital, he believes that its geographical location does, in some degree, hamper the efficiency of the legislature. Legislators residing in the western counties of the State are forced to travel to Baltimore, situated not quite thirty miles away, en route to their homes. Due to the proximity of Baltimore and its surrounding counties to Annapolis, practically all of the members from that section, especially during the first two-thirds of the session, commute daily.

Some salutary and some other undesirable results flow from the fact that well over one-third of the members and employees return daily to their homes. Theoretically, but to a slight degree practically, these men return daily to receive instructions as to the will of their constituents and to feel the public pulse; at the same time, political force is brought to bear on more matters of a trivial nature than if the members lived at the Capital. However, the more important results are the more direct ones. The consumption of an hour in travel delays the daily convocation until noon, and contributes, as well, to the fact that the meetings are not promptly begun. Likewise, afternoon sessions are often shortened to permit members to attend to an hour of business or to allow them to reach home in time for dinner, as are night meetings at the

end of the session, to allow them to reach home early in the evening.

Again, for the same reason, committee meetings are hurt by non-attendance. It is difficult to secure the presence of these members in Annapolis for committee meetings either before or after regular meetings; in fact, the practice of adjourning the body for an hour or two in the afternoon to allow committees to meet is not infrequently resorted to, and then, often, some of the so-called city men refuse to wait for the later session. The meetings of the Baltimore City delegation of the House are hardest hit, as it is difficult to hold a quorum longer than a few minutes before or after the regular meeting.

Also, it is now an accepted fact that a large part, if not practically all, of the business transacted during a legislative session has been discussed and decided upon outside the chambers. Regardless of the merits of such action, it is an actuality, and the absence of many members from both formal and informal discussion leads to unnecessary clashes and to conflicting viewpoints. These misunderstandings arise because of lack of mutual discourse and association.

Furthermore, the members who live on the eastern shore of the State cannot return each day to their homes. While most of the other members are afforded adequate means of daily transportation should they care to make use of it, those living on the eastern shore of the Chesapeake Bay can return only over week-ends because of poor travelling accommodations. The result is that other members remain at the Capital for irregular periods, but the Eastern Shoremen must remain during the entire session. Consequently, these regulars are prone to become clannish through personal contact and form a bloc. These representatives do return to their homes for the week-ends. The only available transportation is by means of ferry boats which run hourly. In order to reach their homes before the evening meal on Friday, these men must leave at one o'clock in the afternoon. Returning, unless they leave their homes on Sunday afternoon, they cannot

reach Annapolis until Monday afternoon. As a result, meetings on Fridays are cut short and sessions are not held on Mondays until the evening.

The capitol itself is an old building, which has been enlarged and modernized to meet advancing needs. The original State House still stands and forms a part of the building now in use. Although the old chambers are no longer occupied, except on state occasions and for public meetings, they are kept intact. A plaque on the floor of the old Senate chamber, which marks the spot upon which George Washington stood when he resigned his military commission, evidences the age of the building.

There are three floors in use. The basement of the building contains several committee rooms and rooms used for the storage and examination of the bills. The main floor has a large lobby running the length of the rectangular building. On either side are the chambers. The larger chamber is used by the House of Delegates and the smaller by the Senate. Further down the hall are the old chambers. On the second floor are the galleries, committee rooms and executive offices. Most of the work is now being done in the newer additions. During the next decade it is highly possible that further additions will be made. While the chambers are large enough to accommodate the present membership, there is no place where a joint meeting of the two houses may be comfortably held, and if the Maryland legislature follows its own trend and that of other legislatures in increasing its membership, the next increase will make both chambers inadequate.

Necessary changes have made the acoustics in the larger chamber rather bad. In addition, good order is not always maintained, so that it is impossible for those close to the Speaker's desk to hear all the proceedings, much less those seated in the rear of the chamber. This condition seems to cause the members little inconvenience; however, at the session of 1927 a resolution was introduced having for its purpose the appointment of a committee to investigate the situation. After the meaning of the word acoustics was explained to many of the members, the matter was treated in a lukewarm

manner. The ventilation in both chambers is bad, neither having windows. Light enters by means of glass domes. Doors, located around the room, are frequently opened and closed, causing drafts. In the lower house, after a meeting of several hours, cigarette and cigar smoke forms a haze and creates a pungent odor.

Committee rooms are not altogether adequate, some committees lacking a place to meet. Other rooms are too small for the size of the group, especially in the event that a hearing is held there when the meeting chambers of the House and the Senate are not available. Even when they are available, they are incapable of accommodating any large group of people who may be interested in a bill. At the present time, several committees are lodged in the same room with a resultant inconvenience to all. While many of the conveniences contained in other State Houses are lacking, yet one could hardly say that there is an urgent need for a new capitol, and as long as there is not an urgent need, there probably will be no steps taken in that direction.

CHAPTER I

Organization

There are twenty-nine members of the Senate, and one hundred and eighteen men compose the House of Delegates. Up to the present time there have been but two female members of the House, and no female Senators. As is readily noted, there is a broad difference in the size of the bodies. This difference is about the same as exists in the great majority of the other States.

The average number of members composing the less numerous chambers of the forty-eight States is thirty-seven. Delaware has the least, seventeen; and Minnesota has the largest upper house membership, sixty-seven. For the lower house, the average membership is one hundred and eighteen; Arizona and Delaware each have but thirty-five members, while four hundred and eighteen members sit in New Hampshire's lower house. The size of the two houses differs throughout by approximately eighty-one members.

It is generally conceded that small legislative bodies function much better than large bodies. This is held to be true primarily because it is said that larger bodies are more cumbersome. On the other hand, the work of the Senate of Maryland, at least during the sessions of 1927 and 1929, progressed more slowly than that of the House of Delegates. On April 2 and 4, in 1927, the last two days of the session, the Senate passed 109 House bills and 26 Senate bills. On the same days, the House passed 109 Senate and 15 House bills. Though it may seem apparent that both houses had approximately the same work to do at the close, the Senate bills in the House had just been sent over from the Senate, while the House bills in the Senate had, on the whole, been in that chamber for some time, awaiting action. The Senate has established the practice of allowing House bills to accumulate, giving its own bills priority. Several reasons for the procrastination may be assigned. The Senate is by far the

more conservative and formal chamber. It consistently refuses to incorporate cloture rules of any nature, while the House institutes a rule limiting debate during the last month of the session. The Senate, unlike the House, has a rule which compels all amended Senate bills of a general nature to be held over at least one extra day in order to give the Senators an opportunity to read the amendment or amendments. Finally, it is extremely rare for a member of the House to be on more than one important committee. The Senate has as many committees as the House, each Senate committee having approximately as many members as the like House committee. For that reason, only a few committees can meet at the same hour and infringements and conflicts are frequent. There are thirty standing committees in the Senate. Of these, the Finance and Judicial Proceedings committees, which usually meet at least once daily, are the most important. When these two committees are meeting, it is difficult for any other standing, much less select, committees to function. Eight of the chosen members of the Chesapeake Bay and Tributaries committee, seven of the eleven members of the Corporations committee, five of the eleven members of the committee on Agriculture and Labor, and three of the five members of the Temperance committee in 1927 were also members of one of the two committees above mentioned. These examples were picked at random and were not selected as the most flagrant cases. The committee on Judicial Proceedings and the Finance committee have eleven members each, three of whom were expected to serve on both. Therefore, it is readily apparent that committee work in the Senate must necessarily proceed slowly.

It must be continually borne in mind in an examination of legislative representation, or almost any other legislative situation in Maryland, that there is one large city in the State with a population equal to that of the remainder of the State. Of course, this situation is not uncommon, also existing in other states, such as New York and Massachusetts. There is here continually present the distrust, fear and quarreling gen-

erally prevalent throughout the country between the urban and rural districts.

The State of Maryland is composed of twenty-three counties and the City of Baltimore. Baltimore, coincidentally with St. Louis, enjoys a unique position in that it is within no county nor is it composed of several counties. It is considered as a separate entity, apart from the counties.

Each of the counties is entitled to one member in the Senate.[1] Baltimore is divided into six legislative districts. Each legislative district of the City is entitled to one member. The basis of representation in the Senate, as is generally true of upper chambers in the United States, has been geographical, with the general idea of having equal representation for each county in that house. Yet, it would be manifestly unjust to allocate to Baltimore but one member on that basis, thereby ensuring that its government would be entirely dominated by the rural membership. Baltimore had but three legislative districts until recently. It was advanced first to four, then to five and then to six. As the number of districts was increased, the number of Senators to which the City of Baltimore was entitled increased correspondingly. Therefore, while representation is equal among all counties in so far as the counties are concerned, the basis of representation for the City, in the Senate, is population. Even on this basis, obviously, Baltimore does not receive its fair proportion, but thus far, one-fourth of the membership is the best that the City has been able to obtain.

In the House of Delegates population is the sole basis of representation, but there is by no means a just proportion.[2] Each Delegate does not represent as many people as every other Delegate. He may represent, as a minimum, two or three thousand people or, as a maximum, twenty or thirty thousand people. Each county is entitled to two Delagates,

[1] Constitution, Article III, Section 2. The size of the legislative bodies is not usually fixed by the state constitutions. For a discussion of the merits and demerits of fixing the size by constitutional provision, see Ogg and Ray, Introduction to American Government, pp. 632-633.

[2] Ibid., Sections 3, 4 and 5.

regardless of its population. Representation increases with population until a population of 55,000 is reached. With such a population a county elects six Delegates, but no county may have in excess of six. As a result of this limitation several counties are under represented.

Baltimore City fares slightly better in the House of Delegates than in the Senate. It has six Delegates for each legislative district, a total of thirty-six of the one hundred and eighteen members. Therefore, while the population of the City exceeds fifty per cent. of that of the entire State, it is allotted not quite twenty-one per cent. of the total members of the Senate and slightly over twenty-two per cent. of the membership of the House. Under-represented as it is, then, Baltimore seems to be in no worse position than the other populous cities of the United States.[3] The counties are, through fear, hatred and distrust, loathe to grant increases to the City. It is only on the rare occasions, when factional fights among the counties occur, that Baltimore is able to force a reapportionment. As is exemplified by the fact that only three such increases have been obtained since 1867, the reapportionments have not kept pace with the growth of the City.

If representation is more fairly alloted on the basis of population, the reallotment will come in the form of an increase in membership for the City, and, possibly, for certain counties. Certainly, judging by the present tendency in the State, as well as in other States and in Congress, reallotment in the form of proper reduction in membership will hardly be accomplished. Any increase will tend to make the larger body, especially, more unwieldy and it is possible that the prognostication of such unwieldiness will act as a deterrent to an impending reallotment.

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[3] New Castle County, Delaware, includes the City of Wilmington. It has 15 of the 35 members of the House of Representatives and 7 of the 17 members of the Senate. In Pennsylvania's lower house, representation is based rather fairly on population but in the Senate there is a restriction that no city or county may have more than one-sixth of the total number of senators, whereas the population of Philadelphia is well over one-fifth that of the State. The large cities of Illinois, New Jersey, Missouri and New York are also under-represented; J. M. Mathews, "Municipal Representation in Legislatures," Amer. Mun. Rev. (1913), Vol. XII, 135-141.

In the counties there is usually no gerrymandering. In Baltimore City, the six legislative districts may be shifted. Fruitless attempts were made on two recent occasions to gerrymander the one acknowledged Republican district, occupied largely by negroes. According to the registration book the plan would have made the reorganized district Democratic. The proposal was killed within the Democratic ranks, partly because the leaders of the other affected districts opposed the move, and partly, it would seem, because it was felt that the action would be printed by the newspapers in such a manner as to arouse public wrath.[4]

Members of both House and Senate are elected for a term of four years. The terms in other states vary from one to four years. In nineteen States the terms in both houses are for the same period. Two sessions are regularly held during this period. Some members die and others become ineligible after the first session and before the second. Provision is therefore made to care for the contingency. In case of death, disqualification,[5] resignation, refusal to act, expulsion, removal from city or county from which the member was elected or in case of a tie, the presiding officer of the Senate or House, as the case may be, is ordered to issue a warrant of election, if the legislature is then in session.[6] If the event occurs while the legislature is in recess, and there is to be a meeting before the next regular election, the governor is ordered to issue the warrant. The only use of this regulation between the sessions of 1927 and 1929 occurred in the case of six deaths. Immediately following adjournment in 1929, however, one Senator and two Delegates disqualified themselves by accepting appointive offices; no election is necessary in these cases as the General Assembly does not meet again until after the next regular election. Resignation is closely akin to disqualification and is used by disqualified members. There is a

[4] For a good discussion of gerrymanding in State governments, see: C. O. Sauer, "Geography and the Gerrymander," Amer. Pol. Sci. Rev. (1918), Vol. XII, 381-402.

[5] Each House is the judge of the qualifications of its own members; Constitution, Article III, Section 19.

[6] Ibid., Section 13.

provision which keeps down the number of resignations, specifying that no member of the legislature is eligible for any office which may have been created, or the salary of which may have been raised, during his term.[7] The remainder of the contingencies but rarely occur and have not appeared in recent years, with the possible exception of the fact that, as discussed below, one member who did not act the first session, presented himself for service the second session of his term.

There is no provision for cumulative voting or proportional representation in Maryland. However, under the election laws,[8] voting which partakes of the characteristics of cumulative voting is allowed. Where from two to six delegates are to be elected from a district or county and where each party runs a like number of delegates, minority representation is possible. For instance, if a large number, or in the event of a close election, even a small number of voters determine to elect one of a possible six delegates, the method would be to vote only for their candidate and not use the right to vote for six different candidates. This, in effect, would mean six votes for the particular candidate of their choice.

Again, Maryland does not appear to be unusual in respect to the qualifications and capacity of the members of its legislative organizations. Its greatest claim to distinction would be in the similarity of the qualifications required for membership by both the House and Senate.

The recent recodification of the election laws removed all the distinguishing features save one. The sole remaining distinction is that the minimum age for Senators is twenty-five years and the minimum age for Delegates is twenty-one years.[9] The average age of the Senators in 1929 was fifty-three years and the ages of the Delegates averaged forty-seven years. At the time of election, two years prior, the average was two years lower. As a result of this recodification,[10] Senators and Delegates are both elected, at the same election, for a term of four years. The two bodies are

[7] Ibid., Section 17.
[8] Article 33, Code of Public General Laws of Maryland (1924).
[9] Constitution, Article III, Section 9.
[10] Constitution, Article XVII, added in 1922.

elected in entirety; there are no holdover members. Alike, Senators and Delegates must be citizens of the State and have resided therein the three years preceding election, the last of which must have been spent in the city or county from which they are chosen. Only one of the present Senators was born outside of the State of Maryland and he has been residing herein for fifty-five years. Fifteen of the Delegates were not born in the State. Three of these were born in foreign countries, two in Scotland and one in Germany. Of the remaining twelve, seven now reside in Baltimore City, three in border counties and two in counties located in the center of the State. Eighty per cent. of the members of both houses who were born within the State are still residing in the locality of their birth. No person holding a Federal office,[11] no minister or preacher, no person holding any other State office except Justice of the Peace,[12] and no person holding public money unaccounted for,[13] is eligible for membership in either body. While bootleggers may be members, duelists are disqualified for membership unless the legislature, by special act, removes the disqualification.[14]

Here, too, the innovation has been so recent that it is difficult to be certain of the result. Dignity and age, coupled with a longer tenure of office, have generally tended to cause a mental association of the smaller legislative chamber with a higher type body. With the removal of any distinction of qualification or tenure between the two houses, only the elapse of time will permit a determination of whether tradition, alone, will be able to continue the smaller body as an upper house or whether the Senate will degenerate.

With the removal of many of the distinctions between them, there is a question as to whether two chambers are necessary. The thirteen colonies used the two houses as a matter of compromise under stress. The States, not under such

[11] Ibid., Article III, Section 10.
[12] Ibid., Section 11.
[13] Ibid., Section 12.
[14] Ibid., Section 41.

stress, imitated. The bicameral system is undoubtedly in vogue, being used by every State; in fact, three States—Georgia, Pennsylvania and Vermont—early used the unicameral system, but it has long since been discontinued. The main reason now advanced for a two-house legislature is that there are some differences in power or representation between the two houses.[15]

The consensus of learned opinion now is that two chambers are still helpful in Congress, but that a bicameral system is superfluous in municipal governments. The efficacy of an upper and lower house in state legislatures is still problematical. The original theory was that one house would check and balance the other. It is equally manifest that one house will check the other when it differs in representation, capacity, power or some other important factor. With similar powers, qualifications for membership and capacity, the State of Maryland has eradicated many distinctions.

The remaining justification, and the one most used at present, is that the two houses differ on the basis of representation, Regardless of whether such differentiation is desirable, it does not exist in Maryland. Baltimore City receives approximately the same representation in each house. It makes slight difference to a county that it receives one-thirtieth of the representation in the Senate and one-twentieth or one-fortieth in the House, as long as the entire county representation is substantially larger than that of the City.

Political representation in both houses should, and does, tend to become similar. It is unusual that popular vote, cast at the same election, should elect Delegates of one party, from a county or legislative district, and a Senator with a different political affiliation, though such a situation may arise. Three counties were represented in 1929 by Senators and Delegates of opposite political parties. Some delegations in the House contained members with differing political af-

[15] For a discussion of this point see Walter F. Dodd, State Government, pp. 158-159; Ogg and Ray, Introduction to American Government, pp. 626-631; T. F. Moran, Rise and Development of the Bicameral System in America, Johns Hopkins Studies in Historical and Political Science (1895).

filiations, but with these three exceptions, the majority of each delegation was in political accord with its Senator. During the sessions of 1927 and 1929, approximately twenty-seven per cent. of the Senators and twenty-three per cent. of the Delegates were members of the Republican party.

It would be folly to state that the two chambers act entirely harmoniously on all measures, for one house kills or amends a number of bills which originated in the other house. This action is, however, more than counter-balanced by the resultant lack of responsibility.[16] It is a fact that, through arrangement, bills are passed in one house with the understanding that they are bound to die in the other. Amendments are made to bills in the second house rather than the house of origin to avoid fights and to obviate the necessity of having a bill reprinted. It is rare that conference committees are forced to consider bills so amended. It is true that there is, on occasion, a genuine conflict between the two houses, with neither more especially equipped to handle the problem; it is also true that more serious consideration would be given the vast majority of the bills if there was no other house to review the subject.

A per diem stipend of five dollars for each of the ninety days, a total of four hundred and fifty dollars, is paid to each member of the General Assembly.[17] Attempts are constantly being made to raise the salary of the members. This can be accomplished only by means of a constitutional amendment, which must be submitted to popular vote. At the November election of 1928, the people rejected a proposal made by the 1927 legislature to raise the pay of the members to fifteen dollars per day. During the recent session, the legislature passed a proposal of an increase to ten dollars per day, which will be submitted at the next state-wide election. It is undoubted, though, that Maryland legislators are comparatively underpaid, especially in the light of the biennial remuneration of $3500 paid in Illinois.

[16] That this is a potent possibility is stated by Dodd in State Government, p. 159.

[17] Constitution, Article III, Section 15.

It is apparent that an increase in remuneration, alone, would not attract men of higher caliber and it is beyond dispute that, with a few exceptions, outstanding men have not been aroused to a sense of duty which would impel them to seek membership in the Maryland Legislature. The present legislators, on the whole, are neither intelligent, nor educated, nor cultured. As a group, they are on a par with a crowd of men which might be collected on the streets. A few are intelligent, a few are educated, and a few are well bred, but the mass is typical of farmers and small merchants. The difference in the average age in the two bodies does not extend to the capacity of the members. Approximately one-third of the Senators have been graduated from the ranks of the Delegates. The Senate is still considered the higher body among the politicians, for each Senator can counteract the vote of from two to six Delegates. Two present Delegates are former Senators. The percentage of intelligent members is slightly higher in the Senate, but the difference is far from striking.

A compensation for the lack of mental equipment for the task of legislating may lie in legislative experience. Since a number have used the House as a stepping stone to the Senate, a larger portion of the members of that body have had previous legislative experience. Sixteen Senators and forty-seven Delegates, who served in 1927 and 1929, had previous experience. Almost half of the Senators and more than half of the Delegates were entirely unfamiliar with legislative methods and procedure when they were inducted into office. It is interesting to note that only sixteen men who served in the General Assembly of 1922 and 1924 were seated when the session of 1927 convened.

Though respect for the legislature has considerably declined, there are still some classes of people who consider membership in such a body an honor. It is from these classes that most of the members are drawn. A number of older men, retired farmers and the like, have made it a hobby. Since there is a large turnover in the membership, each session many of the members who served in the previous

legislature do not return, a fair proportion of whom do not even seek renomination. The constitutional provision,[18] forbidding any man to hold more than one State office simultaneously, becomes applicable to some of these who do not return. A great proportion of the members are minor politicians whose bosses have placed them in their position. Some arrive by chance, as in the case of one member who was called by telephone and advised that he would be made a candidate. This member, not a politician, made no speeches, performed not a whit of campaign work and arose, the day following election, to find himself a Delegate.

Three vocations claimed over half of the Delegates in 1929. There were twenty-two farmers, twenty-two lawyers and twenty-one merchants. Of the remaining number, seven had retired, seven were salesmen, five were canners, four were insurance agents, four were clerks, four were real estate agents, three were millers, two were laborers and two were grain brokers. Almost every vocation was represented, there being a funeral director, a dentist, a horse-shoer, an electrician, a lumberman, a pharmacist, a bookkeeper, an engineer, a painter, a blacksmith and a detective among the members. A variety of occupations were also represented in the Senate. Here, the lawyers predominated, there being ten members of that profession present.

The lawyers are the outstanding figures. From eighty to ninety per cent. of the speeches delivered emanate from the lips of lawyers. These are either practical politicians aspiring to higher office or young lawyers who hope that the publicity and honor will add to their practice. The Speaker of the House, the President of the Senate, the majority and minority floor leaders have all studied law and, with one exception, are in active practice of their profession.

Most of the members have had little or no education. The lawyers have had legal training and education, but exceedingly few have completed an academic college course.

It is entirely to be expected, therefore, that the legislators

[18] Declaration of Rights, Article 35.

do not comport themselves with any too much propriety. It is here that the greatest distinction between the two houses appears. The Senators, as a rule, are more dignified, and the sessions of the Senate are carried on in a much more restrained manner than those of the House. Smoking, loud conversation and horse play are permitted in the House, and both members and non-members are allowed to meander about in the chamber, despite rules to the contrary.[19] All this is forbidden in the Senate, wherein the sessions are orderly and quiet, carried on with an air of comparative dignity and deliberateness which the results of its efforts seem to belie.[20]

Each house has the power, never used, to punish its members for misbehavior and, by a two-third vote, to expel any offender.[21] In order that this power may not be used to bar the member forever, a proviso sets forth that a member may be expelled but once for the same offense.

A function which adds somewhat to the dignity of office, especially on occasions of public hearings, is committee service. There are thirty standing Senate committees and thirty-six similar House committees. It should be noted in this connection that there are but twenty-nine Senators. Throughout the country, the number of upper house committees range from five to sixty-two and the lower house committees from seven to sixty-five. Of the thirty Senate committees at least twelve do not function at all, their continuation being a matter of tradition and a means, on the surface, of equably apportioning committee appointments. At least sixteen House committees are in the same category. Fully half of the remaining number have little or no work to perform, the burden falling on five or six committees in each house. Two committees in each body, judiciary and finance, handle the bulk of the legislation.

Appointments are not based on seniority. Primarily, inasmuch as a great proportion of the members do not return, one or two sessions might suffice to make a committee's novice its

[19] House Rules 4, 7 and 16.
[20] Senate Rules 1, 3, 4 and 10.
[21] Constitution, Article III, Section 19.

senior member. In addition, few members are capable of being chairmen of important committees; finally, only a small proportion has even the ability necessary to membership of such committees. A greater political leeway is obtained each session by discarding the seniority rule. During the session of 1927 the chairman of a vital committee of the 1924 session was retained as a member of that committee, but a new member was made chairman. One of the nonfunctioning committees, through political events, suddenly became active and important in 1929. The size of the committee was increased and but one member, not the chairman, of the 1927 committee was retained.

The head of each house makes the committee appointments. He is advised by the majority floor leader and, to some extent, abides by the requests of the minority floor leader. Each member is certain to receive an appointment to at least one committee, except in case of insurgency. Recently, some of the Democratic members of the House of Delegates were accused of being insurgents and were accordingly deprived of all committee appointments during the session just concluded.

Chairmanships and membership on important committees are treated as minor political plums. It is noteworthy that the chairman of each committee is entitled to a large amount of writing paper bearing the name of the committee with his name as chairman. One of the Senators used this officially-titled paper for the purpose of canvassing his acquaintances in order to sell insurance.

Each Delegate in the House becomes a member of from one to seven committees, depending on the nature of his political affiliation and his party regularity. Each member may forward his own desires to the Speaker, although all the requests cannot be granted. In the Senate, each Senator serves on an even larger number of committees, ranging from seven to ten. Every member of the majority party is chairman of at least one committee and five or six members head two committees. On occasions, even the minority party may have one of its members as committee chairman.

Party lines are not always apparent. They are rarely drawn closely except when political measures are concerned. Only two committees, on rules and finance, are what might be termed political committees. It has proven more difficult to keep members of the minority party in line. There is nothing that can be taken away from or given to them and there is a possibility of slight reward from the majority party for amenable behavior. On the other hand, members of the majority party are, to a degree, cajoled into obedience by the knowledge that both threats and promises can be kept.

Only one caucus, as such, is generally held each session. This precedes the opening meeting and it is at this time that the majority party selects its candidate for the chair and floor leader, while the minority party chooses its leader. It is an unbroken, though unwritten, custom that all who attend a caucus are bound by the decisions reached therein. On occasions, when important political situations arise, caucuses are called by both parties during the session, but this is uncommon.

Strictly speaking, neither party has a whip. Whenever possible, a consensus is taken by the floor leaders, the respective committee chairmen, and those interested before the matter is put to vote; not infrequently, the various floor leaders canvass votes on the floor during discussion, immediately preceding a vote.

Finally, each house requires a number of employees in order that it may function. Recently the public press and certain more or less disgruntled members called attention to the large number engaged. The appointment of these employes, who receive the same salary as the legislators, is through political favor, and the chair of each house is guided in his selection by the wishes of the members of the majority. They do not always serve the entire session, as many are appointed for thirty, forty-five or sixty days in order to satisfy the numerous office seekers. It is true that, with ten or twenty stenographers on the payroll, no more than five can ever be found. It is also true that while a greater num-

ber of doorkeepers are appointed than the number of doors contained in the chamber, doors are often found unattended. While this inefficiency and waste are present, the work of the more important officers is, on the whole, efficiently accomplished.

The chief employees are the Secretary of the Senate and the Chief Clerk of the House. To them and to their assistants falls the lot of recording, keeping custody of, and transferring the bills.

The Secretary and Chief Clerk attend to all the duties while the bodies are in session. They record the action of the body in pencil or pen on each bill and take custody of measures prior and subsequent to presentation for action. During the daily recesses and at the close of each day's work, the Secretary and Chief Clerk summon their respective staffs. Assistants deliver bills and messages and make notations in record books at the dictation of their chief officer.

These officers often serve over long periods, graduating from minor positions. In the course of time they learn procedure and practice, becoming of invaluable assistance to the comparatively migratory Speakers and Presidents. On occasions this assistance is clandestinely received, while on other occasions this help in emergencies has been asked for in public. Especially is this true of the present Chief Clerk of the House who completed his twenty-seventh year of service in 1929.

The reading clerk, as the name implies, reads all papers and calls the roll. This position is rather important, especially in view of the acoustics. Proper enunciation is a decided aid, but garbled reading is detrimental to a proper consideration of the subject. Occasionally the reading clerk may omit part of an amendment or make a mistake in the number of a bill on its third reading, inadvertently or intentionally.

A journal of the proceedings of each house is kept and published.[22] For this purpose, a journal clerk and assistants are employed. No record of debate is made, but beyond that,

[22] Constitution, Article III, Section 22.

the journal contains a concise record of all proceedings. Occasionally, towards the end of the session, a bill is passed requiring a rule suspension which is overlooked, but the journal will show the suspension.

To round out the organization, each standing committee has a secretary and each Senator is entitled to a secretary of his own choice.

CHAPTER II

Procedure

The first two or three meetings of the year are absorbed by formalities. During a session such as that of 1927, when a new legislature came into being and a new governor had just been elected, all of these formalities take place. Most of them are necessarily dispensed with in other years. The first few meetings produce the only ceremonies of the usual session, the remainder of the time being devoted to the routine of ordinary business.

Upon the formation of a new legislature after election, each member is assigned to a seat, which he retains throughout his term. The seating in the Senate is of little consequence as the chamber is so compact that a Senator can hear and be heard no matter where he may sit. The members are seated according to seniority, preference being given to the majority party. The majority floor leader is seated in the front row, as is also true in the House.

The matter of seating in the House plays a more important rôle. It is difficult to make one's self heard from any part of the chamber, but those seated on the front rows have the best opportunity because they are able to turn and face the whole body. Delegates seated in the middle of the chamber can address only one section at a time, inasmuch as the acoustics prevent voices from being carried in any direction except forward; those seated on the extremities are the most unfortunate, for unless they have extremely lusty voices there is small chance that they will be heard on the far side of the chamber. The doors, about which non-members congregate, are constantly opened and closed, much to the annoyance of the Delegates located near them.

Another factor conducive to clannishness lies in the method of seating in the House. Delegations are stationed together whenever possible. Members from the same county sit side by side, while the Delegates from Baltimore City are grouped in an entire section. Thus, an opportunity for better under-

standing between the various segments of the State, through constant shoulder to shoulder association, is lost.

The first move in both houses is to elect a Speaker of the House and President of the Senate *pro tempore*. An experienced member is unanimously chosen. Immediately following, a Speaker and a President, respectively, are elected.

The chair in both houses is an extremely potent office; the powers and duties of Speaker and President are parallel. Many important powers result from seemingly innocuous general grants, as is demonstrated below. They are both given the power to preserve decorum and to rule upon questions of procedure, subject to appeal.[1] The Speaker may call any member to the chair to act in his stead for a period not to exceed seven days;[2] the President is restricted to a period of one day, but if he is ill or absent from Annapolis, a President *pro tem* is elected.[3]

Little time, except that consumed by laudatory speeches, is taken up, as a rule, by the election of the chairmen, since party caucuses have chosen the respective candidates. The candidate of the minority party becomes minority floor leader by virtue of his candidacy. Prior to the session of 1927 it was an unwritten rule that a Baltimorean should hold the office of either President or Speaker. For that session and for 1929, neither of the chairmen were from the City, nor were the majority or minority floor leaders in either body residents of Baltimore. This slight may have been caused by a growing distrust of the City, because there were men of equal capacity, for at least one of the six above-mentioned offices, included in the group which represented Baltimore City.

After the Speaker and President have made short speeches of acceptance, which usually contain a plea for efficiency and order, the oath of office is administered to them by the oldest member in point of service in each body.[4]

The members are then sworn into office. The President of

[1] Senate Rules 3 and 4.
[2] House Rule 3.
[3] Senate Rules 5 and 6.
[4] Constitution, Article III, Section 19.

the Senate swears in each man separately with a certain degree of solemnity. In the House, however, at the session of 1927, members were sworn in, ten at a time, while the remainder of the body was inattentive and noisy. Some of the members barely raised their hands; others arrived late, running up the aisles with hands upraised; while still others conversed during the ceremony. Certainly, none paid attention to the nature of the oath they were taking, nor to the duties they were promising to perform. Only the few new members were sworn in at the 1929 session. The constitutional form prescribed for the oath of office is typical.[5]

A rather unusual situation arose relative to the taking of the oath as a result of the revision of the election laws. The Constitution provides that the oath must be taken, and that any person who shall refuse or neglect to take the oath shall be considered as having refused to accept the office and that a new election or appointment shall be made.[6] When the General Assembly convened in 1927, one of the duly elected Democratic members was absent. This member was the Speaker of the House of Delegates in 1924 and had subsequently been appointed to a well-paying public office in Baltimore. This member attended no meetings in 1927 and did not take the oath. Under another constitutional provision, he would have been forced to resign his office in Baltimore in order to qualify as a Delegate. This member, in 1929, having lost his job in the interim, decided to return to the House of Delegates and occupy his seat, which had remained vacant all during the previous session. He appeared on the opening day and was sworn in without much ado. Beyond

[5] Article 1, Section 6. "I, ————, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof: and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of a ————, according to the Constitution and Laws of this State, and that I will not, directly or indirectly, receive the profits or any part in the profits of any other office during the term of my acting as ————."

[6] Article 1, Section 7.

some newspaper criticism and occasional jibes on the floor, little note was taken of the constitutional possibilities. Had the Republicans been in control of the House, an interesting question would have been answered.

Upon motion of the majority party, the desk officers are selected, usually without contest, by means of an order. In the House, an amendment is customarily offered by the minority, supplying a different set of nominees, which is naturally defeated. The desk officers have already assumed their responsibilities and are functioning at the time.

Subsequently, orders are passed allowing the presiding officer to appoint committees and to continue old rules in force until the new rules are enacted.[7] New rules are rarely made, the old ones being later submitted for ratification. The above procedure constitutes, generally, the formation of the bodies.

Upon the completion of this formative procedure, a joint meeting of the two houses is held, at which time the Speaker of the House, in accordance with the Constitution,[8] opens the returns of the election for governor and announces the result. The governor is then declared elected and an escort is appointed to wait upon and accompany him to the House chamber. Within a very few minutes he appears and briefly delivers himself of the substance of his detailed message, which is printed and distributed. This message outlines the budget and describes administrative plans.[9] The speech also usually contains a few general remarks, chief among which is a plea for better legislation and fewer laws. Despite Governor Ritchie's power in the State, the plea which he made in 1927 to this effect went for naught, though his veto of some minor special and private measures at that session served slightly to lessen the number of such bills introduced in 1929. With the possible advent of a new governor in 1931, a reversion may occur. The hope for better legislation lies in the continued

[7] Constitution, Article III, Section 19. Each house is given the authority to prescribe its own rules.

[8] Article II, Section 3.

[9] Ibid., Section 19, "He shall, from time to time, inform the Legislature of the condition of the State, and recommend to their consideration such measures as he may judge necessary and expedient."

use of the veto for special and private legislation over a period of ten to twenty years.

The General Assembly is given power to elect a governor by *viva voce* vote of the two houses jointly assembled, in case of a tie.[10] Such an event is highly improbable, since the popular vote for two candidates would need be exactly even in order to give rise to the use of such power. The legislature, in this connection, also has the power to fill an unexpired gubernatorial term. Prior to such action,[11] the President of the Senate and the Speaker of the House, in the order mentioned, are to act as temporary governor.

Various messages are exchanged between the House and the Senate. The State Treasurer is elected by a joint vote of both chambers. The Organization and Rules committees report and their reports are adopted. The governor, to whom the oath is administered by the Chief Judge of the Court of Appeals in the Senate chamber in the presence of the other justices, makes an inaugural address. Minor matters shape themselves and the committees are appointed The legislature is now at work.

It is the practice of some legislatures to hold private or secret meetings, from which the public is excluded. This system has been criticized from many angles. It is not the practice, generally, in Maryland; the Constitution specifically prescribes [12] that the doors of the sessions and the committees of the whole should be kept open unless the business is of such nature as to necessitate its being kept secret. The House of Delegates has held no private meetings for the past three sessions while the Senate holds but two or three short executive meetings each session, to consider gubernatorial appointments.

The daily meetings of the legislature are concerned largely with routine matters. During the first month of the session, meetings are held from two to four times a week. Due to a constitutional limitation, the concurrence of both houses is

[10] Ibid., Section 4.
[11] Ibid., Section 7.
[12] Article III, Section 21.

necessary for an adjournment lasting longer than three days.[13] This concurrence is usually obtained, though on two occasions during the 1929 session a conflict occurred. One house wished to adjourn for a shorter period than the other on both occasions. Likewise, on both occasions, the one desiring the shorter period remained adamant and won its point, for it was realized that unless an agreement was reached, both houses would be forced to remain in daily session and the one desiring the longer recess was loathe to have such a situation occur. The number of weekly meetings increases to four or five in the second month. Toward the end of the session, daily meetings are regularly held. Meetings are occasionally convened on Saturdays, but whenever possible the bodies adjourn over the week-end.

Through the first half of the session, meetings are called for noon and continue for a period ranging from a few minutes to one or two hours until the meagre business is completed. As work piles up, adjournments are taken from two-thirty or three until four or four-thirty in the afternoon to allow committees to meet and to afford a rest and opportunity to lunch. Still later, an adjournment for dinner is had from approximately six o'clock until eight. At this time, the hour of assemblage is advanced to eleven in the morning, then to ten-thirty and, finally, to ten.

The rules of both houses prescribe that the daily meetings convene precisely at the hour specified.[14] During the early part of the session, meetings are held close to the time set; that is, neither house is more than fifteen or twenty minutes late in starting. The House is generally more prompt, at first, than the Senate, but as the session wears on, both houses become more lax, the House becoming the worse offender. There, on occasions, meetings called for noon begin close to two o'clock. At the expiration of the afternoon adjournment, the same tardiness exists and it is often necessary that pages be sent to committee rooms to call in lounging or card playing

[13] Article III, Section 25.
[14] Senate Rule 1, House Rule 1.

members. Sometimes, this tardiness is caused by the laxity of individual members or committees, but more often time is spent by the leaders in lining up votes on pending questions.

Every legislative day opens with a prayer.[15] Legislative days usually coincide with the days of the week, except in the event that a day's business has not been finished; in that event, the following calendar day opens with a continuation of the previous day's work and so continues to completion, whereupon a new legislative day is opened. Thus, it is possible to have two legislative days between sunrise and sundown. To continue, the prayer is usually rendered by a clergyman. Ministers of various faiths are brought to Annapolis, some remaining for a week or more, while others are present for a single day. In the absence of a clergyman, one of the members officiates.

Following the prayer, the roll is called and the meeting brought to order. Both houses are lax in the calling of rolls. After the opening meetings, the roll in the House is rarely called through. Two or three names at the head of the list, one or two in the middle and the last few are read aloud. Calling every name in the House consumes three minutes. In the Senate, the roll is more often called, due to the fact that the number of members is much smaller. In neither house is there an intelligible roll call and the members do not attempt to answer to their names.

In roll calls, the names of the Senators are called in alphabetical order.[16] This is undoubtedly a fair method and open to no criticism. The specified method of taking the roll of the Delegates is by counties, according to seniority.[17] The roll is called by counties but it is difficult to discover what part seniority plays. It is certain that the name of the oldest member in point of service of the particular delegation is not necessarily the first called. It is also certain that the delegation of which the senior member of the House is a part does not head the list. Possibly, some attempt may have been made

[15] Senate Rule 1, House Rule 1.
[16] Senate Rule 1.
[17] House Rule 34.

to average the service of all the members of each delegation and to classify the delegations according to the average length of service, though if such an attempt was made, a miserable failure resulted. It is notable that the first ten members on the list during the sessions of 1927 and 1929 were affiliated with the majority party. No deduction is logically possible from the single fact that these members voted solidly on the winning side of most questions, because they were members of the majority party. However, if a wavering member may be influenced by the trend of the vote on a question, a trend often appears as a result of ten solid votes.

The President of the Senate and Speaker of the House are first called. Their vote, of course, does influence wavering members of both parties to follow, unless the question is political, and then the minority members are advised that their vote should be the opposite. The presiding officer has the first opportunity to explain his vote; this explanation often proves to be an important factor in that the chair can officially call the vote political or non-political, can state his vote to be but a personal reaction or ask support for it, and can indicate a valid reason or make varied inferences.

The purpose of the roll call at the opening of the daily session is to determine whether or not a quorum is present. This is usually discernible to the eye, and the Speaker would hardly call a meeting to order without a quorum present. However, at the call of any member or members, the roll will be read in entirety. Such a case would more probably occur subsequent to an afternoon adjournment. A majority is necessary for a quorum, though a lesser number is empowered to adjourn from day to day and force the attendance of recalcitrant members.[18] No definite machinery is set up for the enforcement of this provision, except that any number of Senators may send the Sergeant-at-arms for missing members,[19] and that any fifteen members of the House are empowered to recall the missing Delegates to the chamber.[20]

[18] Constitution, Article III, Section 20.
[19] Senate Rule 11.
[20] House Rule 29.

While this procedure is not contained in the rules of the House, the Sergeant-at-arms is dispatched, following the afternoon recess, to notify the Delegates that the body is about to reconvene. The actual absence of members is discovered by the clerk either from the empty seats or by a recorded vote. A note of the absent members is recorded, though in some cases it has been rumored, and seemed apparent, that other members voted for absentees. In fact, to digress for a moment, the roll has been recalled on a particular measure and the total has changed by a few votes. This discrepancy, of course, might have been due to the fact that several members present decided, contrary to the rules, to refrain from voting upon the second occasion.

The mace is still used, but it has become, more or less, a hollow form. Either body is often in session for a few minutes before the mace is remembered and put in place.

Another form, still clung to tenaciously, is the reading of the journal for the previous day. The journal is really never read, though the printed copy is to the contrary. It is never in form to be read and is not on the members' files until at least a week or ten days later. The journals are not finally completed and put in printed form until four to seventeen weeks after adjournment. They are an aid, during the session, as a check on the proceedings of the first few weeks, but are incomplete thereafter. Someone moves that the reading of the journal be dispensed with. The chief clerk half rises in his seat, sometimes he stands upright but never gets beyond the words, "Annapolis, Maryland" before the motion is made. In the House, one of the leaders of the majority party lost effectiveness on the floor because he was not taken seriously in debate on account of his daily motion as to the journal.

The order of business of both chambers is decidedly similar and follows a well defined plan:

Senate [21]	House [22]
1. Presentation of petitions, memorials and other papers	1. Presentation of petitions, memorials and other papers
2. Introduction of orders	2. Introduction of orders
3. Introduction of bills	3. Introduction of bills
4. Introduction of resolutions	4. Unfinished business
5. Bills laid over on 2nd Reading	5. Introduction of resolutions
6. Reports of Standing Committees	6. Reports of Standing Committees
7. Reports of Select Committees	7. Reports of Select Committees
8. 3rd Reading	8. 3rd Reading

Unfinished business takes but one form, that of amended bills which are held over, upon request in the House and by rule in the Senate, so that the contents of the amendment may be perused before action.

Coming to the detail of actual business, the first thing on the legislative program is the introduction of petitions, memorials and other papers. While not extremely important, they do merit a moment's consideration.

Petitions, requests and memorials are, on occasion, sent to the legislature. After a reading, during which large portions are generally excluded or humorous injections made, to which few members are paying attention, they are referred by the chair to a committee. The author is unable to estimate with any degree of accuracy the influence they bear. However, they do not carry any great degree of weight, because the question is undoubtedly a public one in order to have received the petitioner's attention and, also, because the view taken is usually a biased one on the question. Moreover, those members that it is possible to convince have already been convinced by other means.

The internal government of both bodies is carried on through the agency of orders. These orders are unpretentious affairs in construction. They merely read, "Be it ordered by the Senate" or "by the House of Delegates" and state simply the proposition. All internal matters, such as purchase of material, employment and management of affairs

[21] Senate Rule 2.

[22] House Rule 6.

are accomplished by this means. Some are passed immediately while others, more important, are referred to committees. There must be a record vote on any order providing for the expenditure of money.

Another use made of orders is for the purpose of excusing members who are absent. It is a practice for fellow members to introduce orders excusing any member or members of their delegation from attendance on any particular day. These orders are passed without question. The reason for them is purely financial. No member is allowed, technically, to absent himself from any meeting without leave. If either a Senator or Delegate is absent on any legislative day, he loses his pay for that day unless an order, excusing him, is passed.[23] These orders bear a reason for the absence, whether the author of the order knows the real reason or not. At times, a member may arrive late to find himself excused on account of sickness. Sickness and business are generally advanced as reasons, though at times facetious reasons are given. Whether members are entitled to pay for any time off, even though excused, has never been settled legally nor questioned, for the matter has become one of precedent.

After orders have been introduced, the next on the calendar is the introduction of bills. At this time, the numerous pages, who have little or nothing else to do, rush down the aisles. Members who have bills to introduce generally rise[24] and the President recognizes them while the Speaker recognizes as many as possible. The bills are sent forward to the President or Speaker, who gives them a hurried glance and notes on each the committee to which it is to be referred.

This hurried system sometimes causes bills to go to improper committees. The result is that these bills are handled by a committee which has other matters as its forte or, after remaining in this committee for a time, they are referred to other committees. There is also the possibility, as occurred in the House in 1927, that related bills may be simultaneously in the hands of two or three different committees, and con-

[23] Constitution, Article III, Section 15.
[24] Senate Rule 7; House Rule 9.

siderable time—time being of the essence in the passage of bills—is lost before all are referred to one committee. There seems to be no reason why these bills should not be heard by the chairman first and more time devoted to them before reference. The chairman does perform a service, though, by seeing the bills first, as he reviews them in search of apparent formal defects, which he has corrected before introduction.

The bills are then passed to the reading clerk who reads them out in any order. The name of the member introducing the bill is first announced and the title of the bill is hurriedly read. As hereinafter discussed, the title may or may not indicate in full the contents of the bill. The bills pass to the recording clerk, the journal clerk and finally to the chief clerk.

The chief clerk enters the bill in the record book. In the first book, known as the register, the bills are numerically listed, the name of the author and a single line synopsis of the subject matter following each number. In the second book is recorded, under an alphabetical list of members, the position of each bill introduced. The chief clerk gives to each bill a number and the bill is known thereafter by number rather than by the name of its progenitor or by its subject matter. In order to check a bill, one knowing only its contents must consult the record kept by the Legislative Reference Bureau. The records of the chief clerk are available only at certain indefinite periods, so that members and non-members make ready use of the records of the Bureau, which are complete, dependable and of easy access.

The chief clerk distributes the bills to the committee chairmen, each of whom signs and is responsible for the possession and continued existence of each bill until it is formally brought out of committee. This measure is taken to prevent inadvertent or purposeful loss of bills.

Next, joint resolutions and resolutions of the House or Senate are introduced. A full description of joint resolutions would be repetition, as these are handled in the same manner as bills. House and Senate resolutions need not possess the formal requirements of bills and joint resolutions and are

simple in construction. They pertain to but one of the houses and follow the usual procedure therein. Expressions of sorrow upon the death of a former member typify the subject matter that they contain.

Bills which have passed the other house are introduced at this time usually, although their introduction is always in order, and they, too, go through the same procedure. Along with them come the bills which have passed both houses and are sent back to the first house, in order to inform the members of the house of origin that they have finally passed. Bills which were amended in the second house are treated in a different manner and subsequent reference to them will be made.

The next routine matter is the report of committees. During the early part of the session, these reports are few, increasing in number as the session progresses.

The standing or general committees are called upon to report first. Only a few of these committees report, as a rule, most of the general work being in the hands of three or four committees. The committee chairman hands the bills which are ready for report to a page, who, in turn, hands them to the reading clerk. He reads their titles only, and, in addition, the report of the committee. After the report has been acted upon, he reads any amendments. When the report and amendments have been disposed of, he hands each bill to the next clerk, and they pass along the desk to the chief clerk.

The local, select committees report after the standing committees. While many bills are reported by the local committees, as a general rule there is little discussion upon them, since the other members generally do not interest themselves in local bills. These reports are handled in a manner identical with standing committee reports.

The chief clerk, after entering in the respective books the bills which have passed their second readings, sends them to the printer to be printed. Each bill is signed for by the printer to prevent loss. Early in the session, bills take from five to seven days to be printed and returned. Later, this time decreases, until at the end, bills are necessarily printed

over night. Accordingly, there is a proof-reading staff which proof-reads each bill as it returns. However, during the last few days, proof-reading is not possible, as the bills are needed too quickly.

The final passage of bills is next in order. The system used in the two houses differs somewhat. In the House, all bills are considered at one time. In the Senate, the bills which are state-wide in nature are considered together and the local bills are disposed of as a distinct group. The latter seems the wiser method in that the members are better able to know what bills are coming next. To explain this statement, in the midst of a long list of local bills in which members from the particular locality affected are alone interested, there may be injected a bill of importance, and in the House, where matters sometimes move quickly, such a bill may slip by without being properly noted.

The vote on the final passage of bills is supposed to be recorded. However, the clerk in the House runs through a few names, while the clerk in the Senate mumbles the names hurriedly, no one answering. By that action, the vote is taken to be unanimous, unless a member objects, stating that he wishes to be recorded in the negative. If several members so object, the roll is really taken and recorded. The former practice, of course, is followed only where there is no apparent opposition to the bill. Roll calling, especially where thirty, forty or more bills are up for consideration, consumes much time, so that while on rare occasions the above practice may assist in sneaking a bill through, yet the time saved makes it expedient.

Two distinct sections[25] of the Constitution affect this roll call. In brief, the provisions are that a roll call is necessary and must be recorded in the journal and that a majority of the whole number of members elected is required for passage. The Court of Appeals, the court of last resort in Maryland, early placed Maryland among the States whose judiciary would look behind the authentication of legislation to determine the regularity of passage. Strict compliance with the sections of the Constitution regarding final passage has been

[25] Article III, Sections 22 and 28.

demanded and the Court of Appeals has held invalid a bill, duly authenticated, because the journal did not contain a roll call or notation on final passage, even though the memories of those present were conflicting in that regard.[26] It was held that the journal entries were controlling.

Along with the final passage of bills, there are several ancillary matters to be considered. After a bill has passed one house and has been sent to the other, it may be, and occasionally is, recalled for further consideration. This is done shortly after the bill is passed. Whether a bill could be recalled after the second house had acted on it, is an interesting question. After a bill has passed both houses and has been presented to the Governor, its recall by the second house for further consideration may be requested.

There is also the problem which arises when the second house amends and passes a bill which has passed the first house without the amendment. There are three courses open to the house of origin. It may stand its ground and refuse to accept the amendment, with the result that either the second house removes the amendment or allows the bill to die. It may, on the other hand, accept the amendment and pass the bill as so amended. The house of origin may also ask for a joint committee of the two houses to consider the bill and attempt to reach an agreement or compromise.

There are a few that might be termed extra-legislative functions which are used with varying frequency. The Senate has the power of consenting to or rejecting certain of the appointments of the governor. The power of the governor was so strong at the past two sessions that not only was the consent to appointments a matter of routine, but proposals to add to the number of appointments which require senatorial assent were overwhelmingly crushed, the sole floor argument being that the incumbent might consider such proposals a personal affront. In addition, amendments to bills which would have served to make gubernatorial appointments to newly created offices subject to the consent of the Senate were introduced; these were also promptly killed.

[26] Washington County v. Baker, 141 Md. 626.

Each house has the usual right to judge the qualification of its members. During the session of 1927, an interesting illustration came to light. Prince George County is entitled to six members of the House of Delegates. The county went overwhelmingly Democratic at the election, and five democrats were elected without question. The sixth was doubtful, however, the vote being very close. After the preceding election and a court battle, a Republican was certified as the sixth member to the House of Delegates. He appeared at the opening of the session, at which time a formal protest was filed. He was sworn separately and took his seat while the question was referred to the proper committee. After the session had been under way a full month and a half, the committee, which was Democratic by a good majority, began opening the ballot boxes and making a recount of the ballots. The recount showed the Democratic candidate to have been elected by a small majority. Both the Republican candidate and his attorney stated that they were satisfied with the recount and the decision, and made no efforts to attack the finding. Despite their attitude, when the matter was brought to the floor from the committee, a Republican member attacked the mode of count and the decision, upon grounds ranging from inaccuracy almost to dishonesty. He was but half-heartedly supported by his party, and the Democrats, in majority, voted against him without loss of a single vote. Nevertheless, the Democratic member was not installed until some time after the first two months of the session had elapsed.

So much, then, for the actual procedure of the General Assembly, aside from matters more or less outside the usual scope. There are such things as special investigating committees, sent out for various purposes, as for reciprocal agreements with other states, social activities and trips through the State, including trips taken during the past two years for the purpose of enlightening the members as to conditions in various parts of the State. These trips, for they were not junkets, being made at individual expense, were taken to western Maryland during the session and to the eastern shore three months after the session had closed.

It would not be amiss at this point to consider those rules of order and procedure which do not directly affect the passage of bills. Both houses invoke rules of procedure, designed to promote efficiency, which, in themselves, are but means of general regulation and government.

One rule that is entirely ineffective is that no member shall absent himself from the service of the House unless he have leave or be sick and unable to attend. A filibuster occurred in March of 1929 which lasted for approximately fifteen hours. An unusual incident arose in that both factions were filibustering at the same time. One faction began and continued for five or six hours. At the expiration of that time there were but twenty to thirty members in the chamber. Neither faction knew its strength so that both factions then alternately filibustered for several hours until the voting strength of each was determined by means of a roll call, having as its purpose the determination of whether a quorum was present. The above is the worst example of members absenting themselves without leave, but it is almost invariable that some members rise and saunter into the corridors as soon as a debate begins. On a number of occasions, members have left the chamber during or immediately prior to a roll call in order to avoid voting.

One rule [27] that is uniformly enforced describes the procedure for recognition of members on the floor. This rule requires that the member rise from his seat and address "Mr. Speaker" or "Mr. President." The rule further prescribes that the member is to rise uncovered, indicating that this rule has passed through a number of sessions from some period when it was a custom for members to remain covered during meetings. The rule further provides that members are to use some other distinction than the proper name of other members referred to in debate. This, too, is generally respected, save in the heat of debate.

No Senator or Delegate can be held civilly or criminally liable for any words uttered during debate.[28] This is the only

[27] Senate Rule 8; House Rule 9.
[28] Constitution, Article III, Section 18.

immunity granted to members of the Maryland legislature. This immunity is an aid to members who sometimes go further than they would were it not for the protection thus extended. The usual rebuttal to any statement which would be actionable except for the immunity, if untrue, is to the effect that the member making the statement is hiding behind this protection in order to make a false, unwarranted attack; the rebutter does not realize that he, too, has just committed the same offense.

The chair is allowed to choose between two members who rise simultaneously.[29] Herein lies a source of great power. This choice between members desiring to speak not only gives the chair the prerogative of arranging debate but it negatively gives power to deprive a particular member of the right of speech. This latter may be accomplished when, with or without the chair's suggestion, another member rises obviously for the purpose of putting an undebatable motion and is recognized.

The houses further prepare for any question that might be omitted from the fifty-odd printed rules by adopting Robert's Parliamentary Rules in the House and Jefferson's Manual in the Senate, to cover any such contingency. Each house has also developed a number of customs which are not contained in the printed rules.

With these general observations, we are now prepared to study in detail the procedure used in the actual consideration of bills from the time of inception to their death or, to the more fortunate end, final passage. Hereinafter, close scrutiny will be given to each step, with its circumstances, tendencies and influences.

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[29] Senate Rule 3; House Rule 10.

CHAPTER III

Introduction of Bills and Committee Action

Bill drafting, until a few years ago, was left to the individual members. They were, as a rule, unfamiliar with the suitable form and unequipped with the ability to express their ideas properly. As a result, good ideas were wasted in that the resultant legislation was declared unconstitutional by the courts on purely formal grounds, unintended construction was placed upon laws, and it subsequently developed that much legislation was ambiguous, incoherent and ineffective.

Recently, bill drafting bureaus have been established in many states to remedy this deplorable situation. About ten years ago a Bureau of Legislative Reference was set up in Maryland with the drafting of bills as one of its chief duties. It is located in the Capitol, adjoining the chambers, so that it is readily accessible. It is supplied with all available reference material, including the codes and recent session laws of all the other States. There are no figures to demonstrate exactly what proportion of the bills introduced is prepared by this Bureau, inasmuch as the service rendered is not compulsory. The very conservative estimate that the Bureau draws fifty per cent. of the legislation introduced is a testimonial to its efficiency. It is competent, impartial and non-partisan. It is headed by a legislative expert who not only will assure correctness of form, but who is able to offer substantive advice, which is well heeded.

Most of the bills which are not drawn by the Bureau of Legislative Reference are prepared by lawyers. The attorney may be a member, as was one who, in the early months of 1927, introduced over fifty bills, having as their purpose the repeal of antiquated statutes. The attorney may be a non-member who is employed by an external interest to draft special legislation. As to the above, it is quite natural that they draft comparatively few bills inaccurate in form or reckless in effect. The remaining bills are drawn by mem-

bers of long standing and experience and usually prove correct in form.[1]

The rules[1a] of both houses specify that all bills must be in printed or typewritten form on legal size paper. The same rule prescribes that every original bill must be contained in a uniform backer. Custom has ordained distinctive backers for each body; the House uses a blue and the Senate a white backer. The regulation[2] next provides that the backer contain the following:

Senate (House) Bill No.....
Introduced by .....
Date of Introduction.....
A Bill, entitled "An Act.....

The rules[3] of the House require that an original and one copy of the measure, both backed, be presented upon introduction. One copy is retained in the files of the House and the other copy is given to the printer. The Senate is more demanding in that an original and two copies are required. Only the original need be backed.[4] The first two copies are used in the same manner as in the House, but the third copy is specifically reserved for the press. The gentlemen of the press, who are seated at a long table immediately in front of the desk officers, are given the bills and glance over them. Upon completion of this work, the extra House bills are returned to the Chief Clerk and the extra Senate bills are turned over to the Bureau of Legislative Reference for its files.

As is apparent, each legislative proposal must begin, "A Bill, Entitled an Act." This formal enacting clause is essential to the validity of all measures. It is printed upon the backer, but the typewritten bill therein contained must also begin in the same manner.

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[1] An illustration of the value of a bill drafting bureau in general lies in the Nebraska house of 1917. There was no bill drafting bureau, but from an inspection of bills for defects subsequent to introduction, 114 out of 803 bills were found to be defective. W. F. Dodd, State Government, p. 209.

[1a] Senate Rule 21, Section 1; House Rule 35.

[2] House Rule 35; Senate Rule 21, Section 2.

[3] House Rule 35.

[4] Senate Rule 21, Section 1.

The Constitution further holds that a bill shall embrace but one subject that shall be described in its title. The title of a bill is the most important formal requirement, as it has been the subject of more than one hundred cases heard by the Court of Appeals, the court of last resort in the State. No fewer than forty bills have been held to be ineffective by reason of a titular defect. The purpose of a title is to give a brief summary of the entire contents of a bill, so that the whole bill, which may be fifty pages in length, need not be perused to gain its purport. An auxiliary purpose is to prevent tricky legislation wherein there is some provision, which is conceded to be objectionable and which is irrelevant, hidden in the depths of an otherwise unobjectionable piece of proposed legislation.

The rules of each house stipulate that extra copies of the title be presented with each bill upon introduction. Upon presentation in the House,[5] each bill must be accompanied by four titles for the use of the desk officers of which but three are generally used. The journal clerk retains three but seldom has need for more than two, and the remaining title is passed to a representative of the Bureau of Legislative Reference for filing and index purposes. The requirements of the Senate are not so demanding. Its rules[6] specify that two titles are essential and that one of these is for the journal clerk and the other for the Bureau of Legislative Reference. Besides these extra copies, the title also appears at the head of the original bill and upon its copies.

The Constitution[7] expressly provides the form of the enacting clause. The body of each bill must be headed, "Be It Enacted By The General Assembly of Maryland." The Court of Appeals has held[8] that this form is directory and not mandatory and that, for example, "Be It Enacted By The People

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[5] House Rule 35.
[6] Senate Rule 21, Section 1.
[7] Article III, Section 29.
[8] Postal Telegraph Co. v. State, 110 Md. 608; Prince George's County v. B. & O. R. Co., 113 Md. 182; McPherson v. Leonard, 29 Md. 386; Williams v. Broening, Mayor, 135 Md. 232.

of The State of Maryland Represented In The General Assembly," is sufficient.

The Constitution makes no mention of the form of the body of the bills, beyond " no law, or section of law, shall be revised or amended by reference to its title or section only." [9] The rules of the General Assembly go further and make some specific requirements. Even though a breach of these rules would not necessarily make proposed legislation ineffective, the chairmen of both bodies can, and often do, refuse to accept any bill which does not conform with the rules. Occasionally, bills which do not conform slip through, but these instances are rare and occur because the defect is not readily apparent.

House rule number 35 and Senate rule number 21, section 3, which are identical in substance, enable correction of the defects which may be discovered subsequent to introduction, by giving power to the chair to order the Chief Clerk and Secretary, respectively, to redraft any bill so defective, which is called to his attention, and to replace the bill in the position it held. This procedure is seldom invoked.

The above-mentioned rules also care for the five contingencies of substance in legislation necessary to be considered. The bill may purport to enact one or more new code sections in entirety, repealing existing sections, or it may intend to repeal an entire section without introducing new matter in its stead. Its purpose may be to repeal but a portion of a section; on the other hand it may only propose to introduce some new matter into existing section without disturbing its present contents; finally, it may be necessary both to inject some new matter into and to repeal other portions of one or more single sections.

If the bill proposes to enact at least one entirely new section, repealing the present section, the bill need not set forth the contents of the section or sections to be repealed. While the intent of these rules is to prevent ambiguity and readily apprise members of what is to be repealed, as well as of what is to be injected, it would be entirely unnecessary and wasteful to require that sections to be repealed be set out in full.

[9] Article III, Section 29.

Any interested member can read the existing law by turning to the available books.

The same rule and reason holds in cases where an entire section is to be repealed and no new section is to be enacted in its place. In both cases the titles will give the subject of the section being repealed.

In any of the last three cases, where but a part of a section is affected, the entire section must be set out and all portions to be removed are to be contained in donble parentheses, while portions to be injected must be underscored. It is both expedient and helpful that the entire section be set out. A mere reference to the section would leave the reader without knowledge as to where the new matter would fit in or at what point the repealed portion was intended to be removed. The parentheses and underscorings are necessary in order to distinguish between them. Most important is the fact that any member is enabled to take the bill and, from its face, read the section through, with and without the proposed changes, and intelligently decide which reading he prefers.

Finally, the rules further require that the name of the member introducing the bill be placed upon it before introduction. This rule helps greatly in keeping down the amount of proposed legislation. If all bills were introduced without bearing members' names, or if it was even possible to introduce unlabeled bills, without doubt at least twenty-five per cent. more bills would be proposed each session. Each member is held more or less responsible for the bills which he introduces.

This responsibility is lessened, although not removed, by a device which is not provided for in the rules of either house. When a member is inclined to do so, for any of a multitude of reasons, even though he is not whole-heartedly in favor of the bill, either because he has not read it or because he is afraid of some possibly deleterious result, he appends, after his name, "by request." This custom, which has grown up in such cases, does somewhat relieve responsibility. The lobbyists realize that this affects the possibilities of the bill,

and seek a member who will introduce it without the appendage.

The reading clerk reads the notation with the member's name upon the introduction; the newspapers also carry it in their daily notes of newly introduced measures. At the same time, much of the responsibility remains. The name of the Delegate or Senator is thenceforward linked with the bill, while his appendage is usually forgotten. Inasmuch as the rules do not provide for the "by request" when the bill is printed for passage, it is not included and the name of the member stands alone. Equally important is the fact the press is often apt to forget that the bill was introduced by request.

Quite naturally, most of the general bills are introduced by a single member, though two, three and even more members may join to propose the same legislation. In the House, more than in the Senate, about half of the local legislation is introduced jointly by the entire delegation from the affected county or counties or the City, as the case may be, under the name of the delegation or delegations rather than its component members. This is true more especially in the House than in the Senate because of the difference in size and representation in the two bodies, though when the City of Baltimore or when two or more counties are affected, the Senators sometimes join in the proposal. This procedure is used for several reasons: the proposal may be part of the local party platform; the need may be so glaring or important that all the members are cognizant of it; the anticipated public appreciation may be so great that members of a delegation are not willing to allow any one of them to receive all the honor of fathering some beneficial legislation; some member, in doubt of the value of a proposal, may call his fellow members into conference and persuade them to join him; finally, some nobler member may take his fellow members into his confidence and allow them all to join in a meritorious move.

The name of the member also carries a narrower significance. Bills introduced by chairmen of important committees, if general in nature, are usually referred to their own com-

mittees. Local bills, also, are, in the House, referred to the delegation to which the named member belongs, and in the Senate, the named Senator is invariably placed upon, and is named chairman of, the select committee.

The general opinion, shared alike by the laymen and the legislators themselves, is that the name of the member introducing a bill has a great effect upon its chances of passage. The efforts of the fosterer of a bill do affect its passage, but statistics of the sessions of 1927 and 1929 do not bear out the above-mentioned impression. A large proportion of the bills, not including those which were administrative and therefore political measures, introduced by both chairmen, met defeat. On the other hand, some minority members and majority members not in good standing were fairly successful.

The general procedure for the introduction of bills has already been outlined. The bills are introduced by each member, technically, as the member is recognized by the chairman of the body. Actually, there is a different situation. When the introduction of bills is announced, the pages scatter down the aisles to collect them. Some members do rise and are recognized, thereby calling the attention of the pages; others do not rise, but simply pass the bills to the pages. The chairman calls out the county of residence of as many members as he may see standing, and all are recognized at once. Actually, recognition plays little or no part in the introduction of bills, especially on those occasions when the chairman neglects to recognize any of those standing.

Legislation may be introduced into either chamber [10] in the regular order of business on every legislative day, but bills may not be introduced during the last ten calendar days of the session.[11] The reasons for this rule are plain: ten days, which means less than ten legislative days, are an exceedingly short time in which to consider legislation, and it is difficult to pass an unobjectionable bill, in ordinary procedure, within that time—one day is allotted to introduction, one to committee consideration, two for printing, another day for final

[10] Constitution, Article III, Section 27.
[11] Ibid.

passage, one day more for transfer from chamber to chamber, and one day each for introduction, committee report and final passage in the second body. This rule is altogether reasonable, especially in the light of the undoubted attempt that would be made, without it, to sneak legislation through.

During the course of the meeting, the chair, from time to time, warns the members to introduce all legislation before the day set aside as the last day for introduction of bills and promises that no exceptions will be made. It is quite to be expected that influence will be brought to bear upon this body, and that this rule will be broken. At each session the rules are suspended to allow the introduction of a few bills. This rule is the one rule that should be strictly enforced, for during the last ten day period, the legislature is busy and harrassed, and the introduction of new bills only serves to interrupt the procedure, as well as to open a pathway for vicious legislation. For example, on the last day of the session of 1927, a special local bill was introduced without previous notice, and the rules were suspended in order to allow its passage. Righteous public clamor immediately arose and the governor was forced to veto the bill. It is altogether probable that this bill would have been defeated if its antagonists had been given an opportunity to make known their objections.

One means of introducing a new bill during the last ten days or expediting the introduction is by means of an amendment. A committee is prevailed upon to amend a bill which was destined to die in that body by striking out all words after the words "A Bill" and inserting the new subject and then to report the amended bill favorably. Thus, it will be seen that the procedure is speeded and it has been held that this method technically does not violate the rule relating to the introduction of bills during the last ten days.[12]

During the first five or ten legislative days of the session there is a rush to introduce legislation. Bills cannot be prepared quickly enough and the number of bills introduced reaches its height from the tenth to the twelfth legislative

[12] Thrift v. Towers, 127 Md. 58.

day. From thenceforward, the number introduced drops off daily but picks up a bit again after the middle of the session. The last week that bills may be introduced, under the rule, finds the number increased again. Local bills make any exact chart of little avail, as one delegation or Senator may throw in from ten to fifteen local bills in a single day or on each of two succeeding days; while from forty to fifty bills, repealing obsolete statutes, may be introduced on one or two days toward the end of the session.

The date of introduction seems to have little calculable effect upon a bill's chance of passage. The only possible basis of calculation lies in the proportion of bills introduced during each of the three months which pass; of the bills which are passed, approximately one-third were introduced during each of the three months.

Due to the larger membership of the House, more bills are introduced each session into the House than into the Senate. The total number averages around a thousand. There were 703 House bills and 484 Senate bills in 1927. In 1929, 606 bills were introduced in the House and 453 in the Senate. The larger number introduced in 1927 is accounted for by the fact that when the session was convened in that year, three years, instead of the usual two, had elapsed since the last assemblage. In addition, the legislature was new and the members full of untried ideas. Contrary to the general impression, the average number has not been increased greatly in the past fifteen years.

The majority of bills introduced each session are local in nature, and most of the local legislation is trivial and unimportant. This local legislation should be removed from the jurisdiction of the General Assembly. It not only clutters up the bodies and slows up the work of the legislature but tends toward bad general legislation. Each member realizes that he must, to some extent, trade his vote on other bills in order to obtain his local laws. He further realizes that he must obtain his local legislation or lose his political prestige. Occasionally, political malice is injected, and a county may lose much desired legislation because its repre-

sentatives have not played political cards to the satisfaction of the powers that be.

The most glaring defect in the system of local legislation arises from the attitude of the General Assembly toward local measures. The laissez-faire doctrine is generally followed except when strong pressure, political or non-political, is exerted. Therefore, local legislation is almost entirely in the hands of the Delegates and Senators from each locality, so that they not only take a part in general lawmaking, but, in themselves, form the lawmaking body for the county, subject only to the general law of the State. This situation is undesirable, especially in view of the lay ignorance of the procedure and the inability to fix responsibility, for the whole legislature votes on all local legislation, although in ninety-five per cent. of the cases, it votes in accord with the local recommendation without knowledge of, or interest in the subject matter.

The City is, to some degree, in the same position. On the other hand, it has municipal home rule. In comparison with the great number of ordinances introduced annually into its City Council, the five or ten enabling bills sponsored by the administration of the City of Baltimore at each session are of little concern. The individual members, in their own behalf, introduce a greater number, most of which relate to the police department of the City. The government and regulation of the police department was taken away from the City during the turmoil of the Civil War and have never been returned, though similar departments, such as fire and street cleaning, are almost entirely within municipal control.

The obvious remedy for the present situation lies in county home rule. In view of the experience of other States, it would seem that the counties would immediately take advantage of any proffered opportunity to achieve home rule. The Constitution was amended with some difficulty by the legislature [12a] and a popular vote in 1915, by the insertion of a new Article [13] whereby any and all counties and the City may obtain home

[12a] Acts of 1914, Chapter 416.

[13] Article XI A.

rule through the simple expedient of a popular vote signifying that desire. Baltimore City revised its charter in accordance with this Article. To date, but one county, just outside of Baltimore City, has voted on that proposition, and in that vote the majority was unfavorable. The only remaining alternative is compulsory home rule.

There are several bills which are introduced each session that demand passing notice. A curative act is always passed, whereby mistakes in deeds and mortgages, executed during the preceding two years, are cured by one general act. As a relic of the fear of the power of the church, the old provision against bequests to religious orders without legislative sanction still remains. This constitutional restriction,[14] a relic of the old English Acts of Mortmain, has been so construed [15] that it is now necessary for the legislatures to sanction, individually, every such gift. Bequest bills for each bequest are introduced and referred to the judiciary committee of each house. Toward the end of the session both committee chairmen incorporate all these bills, as well as all the other bequests to religious groups of which they are aware, into one bill named the "Omnibus Sanction of Bequests" bill. This bill ranges from one to two hundred pages in length and is invariably passed without question.

The Budget System was early adopted, when, in 1916, Article III, Section 52 of the Constitution was amended. The Governor must present his budget and supplemental budget bills to the presiding officer of each house. The legislature may not amend those parts of the budget which make regular provision for the payment of State debts in accordance with the terms of their creation and which provide for the public schools and for the payment of salaries of offices established by the Constitution. It may increase or decrease items relating to the legislature and increase items relating to the judiciary. The General Assembly may only reduce or strike out any other items. No officer's salary may be decreased during his term of office.

[14] Declaration of Rights, Article 38.

[15] Church Extension v. Smith, 56 Md. 390, 391.

Neither house may consider any other appropriation bills, introduced by individual members, until the budget has been disposed of. If it has not been finally acted upon three days before the close of the session, the governor must issue a proclamation extending the session as long as may be necessary. The members would then serve without remuneration. As yet, it has not become necessary to extend any session.

The same Article specifies that supplemental appropriations sponsored by individual members must also provide the necessary revenues. Such bills, in addition, are subject to executive veto.

Upon introduction, the bills are placed upon the chairman's desk for his reference. The presiding officer is unaware of the contents of any bill unless he is himself interested in its subject matter, or unless it has been previously shown to him by its progenitor either for the purpose of requesting that it be referred to a particular committee or in the event that the member intends asking a suspension of the rules in order that the bill may be immediately placed upon its second reading.

The chairman, under the rules,[16] must refer each bill to its appropriate committee. This is the invariable procedure unless the rules are suspended. Two-thirds of all the members must vote for suspension in order that any rule may be suspended.[17] In the House if there is unanimous consent, a roll call is unnecessary. If the rules are suspended, the bill may be advanced one step; that is, the bill is advanced to its second reading. The rules are suspended on first reading of House bills in the House and Senate bills in the Senate only when necessary to the immediate passage of the bill, but the practice is quite frequent as the session nears its close, and especially on the last two days, with Senate bills in the House and House bills in the Senate. While this procedure is called a suspension of the rules, it is also necessary in view of the Constitution,[18] which prescribes that every bill must be read three times on three different days unless a vote of two-thirds

[16] House Rule 35; Senate Rule 21, Section 5.
[17] House Rule 48; Senate Rule 58.
[18] Article III, Section 27.

of all the members waives this requirement. The House so suspended the rules and the Constitutional provision in 1927, twice on its own bills and twenty times to advance Senate bills. Working more slowly, the Senate was forced to a larger number of suspensions, thirteen on its own, and forty-seven on House bills.

The chair can, and sometimes does forestall an impending motion to suspend the rules, if he is aware of it in advance, by referring the bill to a committee before recognizing the member desirous of making the motion. He then may rule, if he so desires, that the motion is out of order. The only recourse is to take an appeal from the ruling of the chair.[19] It is not easy to get a reversal of a ruling, for while only a majority is necessary, with the chair restricted from voting, an immediate appeal to the majority party to uphold the dignity and decorum of the body is usually made. Consequently, an appeal is seldom taken and rarely succeeds. Although several were successful in 1924, none succeeded in either the 1927 or 1929 sessions.

Manifestly, the presiding officer can not peruse thoroughly all the bills introduced. He is fortunate if he has time to scan the titles of the ten to fifty bills submitted daily. There is a better opportunity for observation of bills coming from the other chamber, as he can more closely read and mark those bills before the opening of the daily session. Even this is difficult when the session nears its close and many bills are daily transferred, for the duties of the chair are varied and his time is limited. The usual procedure is to refer the bills to the corresponding committee to which they were referred in the other house. On the other hand, thirty-one bills were in 1927 referred to a general committee in one body and a select committee in the other and forty-four bills were referred to a different type of general committee in each house.

The chairman hands each bill to the reading clerk, who reads the title. While it is a constitutional requirement that each bill be read three times prior to its passage,[20] at no time

[19] House Rule 2; Senate Rule 3.
[20] Article III, Section 27.

is any legislative proposal read to the body in full. On all three readings only the title is read and, if that be long, parts may be omitted.

The chairman next refers the bill to a standing or select committee. To the standing committees are referred all bills of a general nature. The select committees receive the bills which are local in character, referring to but one or two counties.

There are thirty Senate standing committees and thirty-six similar House committees. The Rules committee does not consider bills; its function is to organize the body and to care for all matters pertaining to its regulation and welfare. The committee on Printed Bills, also, considers no measures, but is in charge of the printing and examination of bills for clerical errors. The actual correction and comparison of bills which have been printed is left to employees.

The most important committee of the Senate is the Finance committee and its parallel committee, the Ways and Means, holds the same position in the House. The chairman of each of these committees is the majority floor leader. These two are the only political committees, besides the committees on Rules.

Second in importance are the judiciary committees of each house. These two committees, alone, handle twice as much general legislation as all the other standing committees combined.

Each of the nine committees on Agriculture and Labor, Internal Improvements, Amendments to the Constitution, Chesapeake Bay, Corporations, Education, Fish and Game, Insurance and Loans, and Hygiene receive a few bills every session. In addition, the committees on Federal Relations, Militia, Roads and Highways, and Temperance receive bills for consideration during some sessions.

The remaining committees [21] rarely, if ever, even hold a

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[21] Civil Service Reform
Library
Executive Contingent Fund
Insolvency
Grand Inquest
Manufacturers
Pensions
Public Records

meeting during the session due to the fact that no work is to be done. It is hard to imagine what bills could be considered by such committees as Currency and Immigration.

Occasionally, one of these committees suddenly becomes important for a session and then slides back into obscurity. During the State Roads investigation of 1929, the Grand Inquest committee, which had not met during the session of 1927, suddenly became a most important and powerful body. The number of its members was increased and but one of its original members was retained.

In the Senate, each select committee, except the City Senators, who function jointly as such a committee, is composed of three members. The fosterer of each bill is always a member of the committee and is its chairman. Two majority and one minority party Senators are usually chosen. Insofar as it is possible, Senators from adjoining or nearby counties are picked. These committees are chosen by the President and vary daily. For example, if two bills which affect Harford County are introduced on consecutive days, or even on the same day, the Senators from Garrett and Montgomery Counties with the Senator from Harford County may make up the committee on one bill, and the Senators from Anne Arundel and Wicomico may be chosen for the other.

Three members are the minimum for a select committee in the House. All but six counties have more than two representatives, so that no external members are necessary. For each of the six other counties a majority party member in addition is appointed. The same member is picked for the particular county's select committee throughout the session.

The presiding officer does, at times, make his committee reference to one standing committee rather than another, or to a standing rather than a select, or even to a select rather than a standing committee, for political reasons. However, in most instances, the reference is rather impartially made.

Printing	Immigration
Railroads and Canals	Currency
Public Buildings	Expiring Laws
Claims	Revaluation and Assessment
Inspections	

It must also be realized that bills are sometimes incorrectly referred because the presiding officer's hurried diagnosis of the contents of a bill is incorrect. During the session of 1927, it was discovered that three alternative House bills, covering the same subject, had been referred to three different committees in the House. These inadvertent errors are often corrected, as they were in the above instance, by the committee when it returns the bill to the body with the suggestion that the measure be referred to the more appropriate committee.

After each adjournment, the head clerk and his aides pass the bills just introduced to the committee chairmen. In the list of members appointed to standing committees, the first named is chairman. Each select delegation in the House chooses its own chairman.

Every member of both houses has two files containing printed copies of all bills introduced in each house to date. This first printing requires two or three days. By custom, rather than rule, committees do not report any bills, except during the last three weeks, until copies have been placed upon the members' files. Where bills are important and many copies are desired, the body may order extra ones printed.

There is no set time or place for select committees to meet. Usually the consensus is taken before the bill is introduced in the house. Informal conversation and simple procedure are used, while the body is in or out of session, in order to determine the vote, except on those rare occasions when the group is decidedly split upon the question.

Only the City Senators and Delegates hold any semblance of formal meetings. Each has a room set aside for its deliberations. The City Senators proceed with some decorum, but it is a difficult task to assemble them for a meeting.

It is doubly difficult to hold a quorum, that is, a majority, of the Delegates representing Baltimore City, for any length of time. Meetings are often called, but are forced to adjourn because only five or ten Delegates answer the call. This was especially true during the 1929 session when political dissension was rife. The meetings are brief and noisy; not even

a semblance of order is kept; parliamentary procedure is seldom followed; and little deliberation is given to bills.

Each active standing committee has a room, possibly shared by one or two other committees, in which it meets. Meetings are held by most of these committees at regular specified times, which are announced on the floor of the chamber. The more important committees meet at the same hour daily and often hold two or more meetings on the same day during the last month.

On the whole, the committees are more efficient than would be expected. As is true in all legislative affairs, these bodies are swayed by political expediency. They do as well as can reasonably be expected in the light of their capacities and intellects. With but few exceptions, the meetings are conducted in a quiet, orderly manner. The most important defect in the Maryland committee system is that committees aid in piling up the work until the legislature is virtually swamped the last few days. The committees work in a leisurely fashion the first forty-five days and instead of clearing up all bills in rotation, the more difficult problems are held over from day to day. These bills will be the subject of debate on the floor as well as in committee, and when deliberation upon them is halted until the middle of the session, the deliberation then consumes time which is much more valuable than at the beginning of the session.

Executive meetings of the standing committees are private in the sense that no hearings are held. Fellow members saunter in from time to time and non-members are occasionally present. Lobbyists, even, are sometimes allowed to be present when a bill in which they are interested is being discussed and voted upon.

No roll of the committeemen is taken. The chairman usually waits until a quorum is present and then proceeds. Informal discussions take place even before a quorum arrives.

Non-members are sometimes invited to appear before the committees to explain their position to the members, without the formality of a public hearing. A Senator or Delegate who sponsored a bill which has been referred to a standing

committee of which he is not a member may appear and explain the purpose of the measure.

Public hearings are sometimes initiated by the committee itself, but generally they are held by request. It is comparatively simple to obtain a hearing on either side of a measure. As a result, a large number of public hearings are held each session. The statement, to a protagonist of a bill, by the committee chairman, that the committee seems to be in favor of the bill, but that if any opposition develops a hearing will be held, suffices to prevent a greater number of hearings.

Public hearings constitute the most formal part of the entire procedure. Both the speakers and lay audience are serious and interested. The members realize that they are being appealed to and feel the weight of their position and authority.

As many as seven or eight hearings may be had on the same bill. The protagonists and antagonists of a measure have individual hearings, it being a custom to hear but one side at a hearing.

The committees of each house hold their own hearings so that the same bill may be the subject of public hearings in each of the houses. On some occasions, joint hearings before the similar committee of each house are held in order to save time. The judiciary committees of both the House and Senate may meet jointly, for example, to hear discussed a subject which may be in the hands of the Judiciary committee of the House, but which is certain to be referred to the Judicial Proceedings committee of the Senate, if and when it passes the House.

Most of the public hearings are held by the standing committees, but it is not unusual for them to be held by select committees when a delegation is split. Joint sessions of select committees are also held. Select committee hearings are far more stormy and undignified than those of standing committees. The question is local and at the same time locally important so that the members as well as the constituents are usually personally affected, vitally, by the proposed measure. Insofar as any comparative judgment is possible, it would seem that hearings before select committees are of much

less avail than the hearings conducted by standing committees; the members are generally fully cognizant of the whole situation and have previously formed opinions to which they tenaciously cling.

The time set for these hearings is, in ninety per cent. of the cases, mid-afternoon. Like the sessions, they, too, are begun from a half hour to an hour after the scheduled time. The conduct of each hearing is in the hands of the person or group who requested the opportunity to present his or its views. He or they arrange the order of presentation of the speakers. The committees allot a specified time for the duration of the demonstration and usually hold to the allotment by adjourning promptly at or slightly before the expiration of the specified period.

Most hearings have become demonstrations rather than hearings, and the antagonists and protagonists vie with one another, each determined to outdo the other by having the larger group of individuals attend these hearings. Consequently, many are well attended, and the chambers, as a result, are crowded, hot and stuffy.

It is exceedingly difficult to attempt to determine with any degree of exactitude the effect of the hearings. Probably the best insight is offered by the statements of the Delegates and Senators; these are to the effect that the majority of the hearings are a waste of time and effort on the part of those arranging them. A striking illustration is presented by a sincere group who term themselves anti-vivisectionists. These people succeed in having some sort of measure prohibiting vivisection of animals introduced at each session. The members of this group are of high type, kind, gentle, polite and of a class altogether different from the average lobby. While sentiment of the legislators is strongly against their purpose, their sincerity is respected and they are granted a hearing as a matter of courtesy. Immediately thereafter, the medical profession, having become excited and alarmed, asks for a hearing. Important and busy professional men are taken away from their work to speak or to form the audience at a protracted hearing. From the moment it was introduced, the bill had not the slightest possibility of passage.

The committees of each house act upon bills originating in their own chamber, insofar as possible, before considering bills which originated in the other house and passed therein. This is done because each house desires to have its own legislation passed, and because bills which have already passed one body and reach committee in the other have little farther to go and do not require reprinting before passage.

After due consideration has been given to a measure, a motion is made as to its disposition. The motion is usually purely formal, as the previous discussion generally discloses the attitude of each of the committeemen.

A vote is then taken and noted and the recommendation is marked upon the back of the bill itself. A majority of all the members is necessary and bills must sometimes be laid over, in cases of difference, until a majority can be obtained. At times, after a bill is ready to be reported from committee, it is held for a day or two before it is submitted to the chamber. This is done by the chairman upon his own initiative or upon order of the committee.

The action of the committees may take any number of forms. Some of them produce similar results, yet the same action, taken upon different bills, may cause a different result.

By far, the most usual action is for the committee to report favorably. This mode apprises the chamber that the committee, after scrutiny, is in favor of the passage of the bill in its present form.

Closely allied to the favorable report, and a part thereof, is what is termed a "favorable report with amendments." The purport of this action is that the committee is in favor of the passage of the bill with certain modifications. The amendments are written by the committee on separate paper and then affixed to the bill.

The form of an amendment is simple. The first line is as follows: "Amendment to House (Senate) Bill No. ———." The substance of the amendment follows. If there is more than one amendment each amendment is numbered and carries the formal prefix: "Amend House (Senate) Bill No. ———, page ——, section ———, line —— of the printed bill, by

striking out all after the word ——— down to and including the word ———, and inserting in lieu thereof the following." The form just quoted is changed slightly to suit the exigencies of each bill. The amendment refers to the printed bill as it appears on the members' files, so that each member may follow the amendment, when read.

A bill may carry any number of amendments, ranging from one to forty or fifty. When a bill is amended, it usually carries more than one amendment, for either the same change will be made in several places or the title is amended, since titles must always conform with the subject, and the test of titular sufficiency comes upon final passage, rather than at the time of introduction. The number of amendments gives no indication of the gravity of the change, for a single minor clerical, grammatical or substantive error may be repeated in numerous places throughout the bill.

The committee may be opposed to the passage of the bill and earmark it "unfavorable." In such event, the committee has not only deemed that the bill ought not pass, but that it should be taken to the floor for action. Sometimes, in accordance with the rules, a bill may be forced out of a committee which had long since decided upon unfavorable action, but had further decided to allow the bill to remain in committee.

In other instances, the committee is unable to decide upon either a favorable or unfavorable report. This may result from a deadlock, for while an odd number of members constitute each committee, when the vote is close, bills are usually reported "without recommendation." This report may also result when one member refuses to vote. A report without recommendation may also be appended by agreement without a decided difference of opinion, because the committeemen desire the opportunity of hearing debate before voting or, more often, because they are in dread of the political consequences of voting either way, or occasionally, when they are opposed to the bill, as a political favor, in order to give those interested in its passage an opportunity to fight for the bill on the floor without the stigma of an unfavorable report being attached thereto.

As heretofore mentioned, the report of the committee may suggest that a bill be referred to another committee. Any of three things may cause this action. The committee may honestly believe that another committee is better fitted to handle the proposed legislation. Secondly, it may be forced to this action by political pressure, exercised by another committee or some other external force. Finally, the committee may not desire to shoulder the responsibility of acting on a particular measure and yet it desires to avoid the more obvious method of reporting the bill without recommendation.

The committee may also decide to hold the measure within the committee and not make any report upon it to the Senate or House. In 1927, 161 bills died in House committees and 85 met the same fate in the Senate. Several causes, also, may create this situation. The majority may be opposed to the bill, but in fear that their action may be overridden by the house. A substitute bill may have been introduced which is more worthy and therefore any action taken will be superfluous. Where dual bills are introduced in each body, the usual procedure is for one to be held in committee. That is, the House committee may have in its possession at the same time identical bills, one a House and the other a Senate bill. The Senate bill is acted upon and the House bill will be allowed to die in committee. Sometimes a bill, opposed by the majority, will be held in committee, rather than reported unfavorably, at the request of its author.

Minority reports may be made by those who dissent from the majority conclusion. It is extremely rare for minority reports to be filed. The disagreement can be aired on the floor of the chamber and will be apparent on a record vote. The journal only carries the notation that a minority report was filed. The sole means of having an argumentative minority report set out in full in the journal is by a motion to that effect which is passed by an affirmative vote of the majority of the house. Several such motions were made during the sessions of 1927 and 1929, but none was carried. As it is generally conceded that minority reports are written in order that they may appear in print, and as

these reports are not usually printed in Maryland, their rarity is accounted for.

Bills remain in committee varying lengths of time. Select committees report quickly, often a day or two after reference. Standing committees with little work generally act expeditiously. In the busier standing committees, there is a great diversity in the length of time during which bills are retained. Certain measures are still in committee at the close of the session, while others are acted upon almost immediately. There is no particular class of bills which is moved either slowly or quickly. Some administration and some anti-administration measures move quickly, while other administrations, as well as anti-administration, measures progress slowly. There is no marked difference in celerity between the House and Senate.

There is, however, one more means whereby bills are reported by committees. The rules [22] state that bills, referred to committees during the first thirty days of the session, shall be reported not later than twenty days after reference and bills referred after the first thirty days shall be reported not later than fifteen days after reference. This rule is constantly broken, but there is a redress which is used a few times each session. A demand in writing may be made, during the reports of committees, by any three Senators upon a Senate committee and by any fifteen Delegates upon a House committee, for the return to the body of any bill retained longer than the specified period. This demand is journalized. The chairman of the House committee must immediately deliver the bill to the House. This is likewise true in the Senate, but if the chairman therein requests additional time for further consideration, this request may be granted by a majority vote. Bills so forced out of committee stand before the house as though reported without recommendation.

Returning from the committees to the houses, following the introduction of bills, joint resolutions and simple resolutions are treated in the identical manner as bills—the next order of business is the reports of standing committees.

[22] House Rule 35; Senate Rule 21, Section 8.

CHAPTER IV

Second Reading and Final Passage

Upon call of the presiding officer, those standing committee chairmen who have bills to report rise, or signal pages, and the measures are conveyed to the desk. The reports of select committees succeed those of standing committees. The presiding officer receives the bills and files them for consideration. The power to arrange the bills, both at this time and at final passage, sometimes plays a part in a bill's chance of becoming law. More members are present and active when the daily meeting is convened than at its close, especially towards the end of the session. Members stroll in and out and, one by one, leave for meals and for home. The presiding officer can place a bill among the first or last, depending on whether or not he desires all the members present when it is considered. At times, bills placed on the bottom of the pile are carried over until the next day because the meeting adjourns before they are reached. This eventuality may give the presiding officer the opportunity to postpone consideration of a certain bill. A further example of the result of this power is as follows: the members from the eastern shore catch ferries, which run every hour, on week ends; by placing a bill in which many of them are interested on or near the bottom of the pile, he forces a hurried consideration or postponement of the preceding bills, because the eastern shore members become impatient. This power of arrangement, while unnoticed by the casual observer, may play an important part in the life of a bill.

Standing committees do not begin to report until the third or fourth week. Then, but several bills may be reported daily. Gradually, this number increases until seventy to eighty bills are returned from committee on one day, the final day.

The presiding officer passes the bills to the reading clerk who reads only the number of the bill and the name of its

author. He reads all of the title if it is short, but if it is long he either hurriedly mumbles most of it or skips a large part. Finally, the committee recommendation is read.

The bill is now before the body for action. Let us consider the possible reports in the order used above.

When a favorable report is brought before the body, there is nothing to discuss, though discussions are sometimes had, until a motion as to its disposal is made. The author or committee chairman, or, in the absence of either, any member may move the adoption of the favorable report. It is quite customary for favorable reports to be adopted without question. The presiding officer calls for a *viva voce* vote, a roll call being unnecessary, and a few members, if any, respond. If there is a discussion, it takes place immediately after the motion is made and seconded. At the conclusion of the discussion, the vote is taken. When a bill is discussed on the floor and there is active opposition to the adoption of the favorable report, a roll call may be demanded under the rules.[1] A single Senator or five Delegates have the right to demand a roll call on any vote, prior to the announcing of the result of a *viva voce* vote. Motions to adopt favorable reports are rarely defeated, for if the opposition has sufficient strength, the practice is for the opposition to make one of several motions, which in parliamentary procedure takes precedence over the motion to adopt the report, and which, if carried, will kill the bill or a least delay consideration.

Of the 988 committee reports in the House, in 1927, 27 were not adopted. Likewise, 790 reports were made in the Senate, 36 of which were deemed unacceptable; 23 of the 27 unaccepted reports in the House were on House bills, while 33 of the 37 in the Senate were Senate bills. Some of the deviations from the reports of committees took the form of recommittal, so that the recommendations of the committee were, in some cases, finally adopted.

The same procedure is used where there is a favorable report with amendments. The favorable report is adopted

[1] House Rule 21; Senate Rule 38.

and then each amendment is, upon motion, separately adopted. If any such amendment fails of adoption, that failure has no effect upon the bill, report, or any other amendments. Any dilatory motion, made as to an amendment, carries the bill along with it. Of the 897 favorable reports in the House, 148 carried amendments; of the 732 in the Senate, during the 1927 session, 138 carried proposals to amend.

If a minority report is added, it is first disposed of, whether the majority report be favorable or unfavorable. The motion is made to substitute the minority report for the majority report. If the minority report is not substituted, the majority report is then considered. During the past two sessions few attempts were made to substitute minority reports, none of which succeeded.

If the report of the committee is unfavorable, either of two motions are then generally made; either it is moved that the unfavorable report be adopted or it is moved that the bill be substituted for the unfavorable report. The motion to substitute the bill is usually first made by the author or an interested party. At times, debate follows, but on occasions the motion is made merely as a matter of form. If the motion is carried the bill stands upon second reading. If the motion is lost, the bill is still before the body awaiting disposition. One mode of disposition is the adoption of the unfavorable report, which serves to kill the bill. Other motions are sometimes made which have the same effect, but the motion to adopt the unfavorable report is used in fully eighty per cent. of the cases. There were 120 unfavorable reports in the House and 82 in the Senate. In the former house, bills were substituted in 8 instances and, in the latter, in 7 cases.

If the bill is reported without recommendation, it is considered as though there is no report, favorable or unfavorable, to be adopted. A motion to place the bill upon its second reading, on the one hand, or a number of motions to defeat the bill, on the other, are in order. House committees reported 7 bills without recommendation in 1927, while Senate

committees so reported 8. Of the 8 in the Senate, none was relative to House bills.

Finally, if the report of the committee is a suggestion that the bill be referred to another committee, such a suggestion is uniformly accepted. The one exception occurs in the event that the author believes the reference is to be for the purpose of delaying or shelving the bill. If he is of that opinion, he will attempt to defeat the motion to refer, which follows the report. If he is successful, the bill stands as though it had been reported without recommendation.

Only 40 bills in the House and 33 in the Senate were recommitted on second reading. Of these, the majority were so committed after a different type of committee report. On third reading, 30 were recommitted in the House and but 11 in the Senate. Each house recommitted more of its own bills in 1927, than it did bills from the other house. In the House, 7 of those recommitted on second reading and 3 on third reading were Senate bills; 3 House bills were so treated in the Senate on second reading and 2 on final passage. The number of bills recommitted in 1929 increased, due to the fact that bills introduced by certain members were returned to committee through sheer spleen.

On the whole, committee action is generally ratified. The number of recommittals cannot be held to be a reversal of committee action, for various undisclosed reasons may cause the recommitment. The chairman himself may secretly sponsor reference to another committee or the return of the bill to his own committee, though outside pressure may have forced him to report the bill before it was fully considered. Eighty per cent. of all committee reports are ratified without discussion. Discussion ensues in about twenty per cent. of the cases, and committee recommendations are accepted in fifteen of these twenty. The more strongly constituted committees fare better than their weaker sisters.

There are a number of other motions which can be made upon any committee report, or at any other time when bills are before the body, which may aid, delay or defeat the measure under consideration. These motions take precedence

over ordinary motions and, for instance, can be made after it has been moved that the favorable report be adopted. Some of these motions take precedence over others. The following is the order of precedence in each house:

	House	Senate
1.	To Adjourn	To Adjourn
2.	To Take a Recess	To Go Into Executive Session
3.	To Lay on the Table	To Lay on the Table
4.	For the Previous Question	To Postpone Indefinitely
5.	To Postpone to a Certain Day	To Postpone to a Certain Day
6.	To Commit	To Commit
7.	To Strike Out Enacting Words	To Recommit
8.	To Amend	To Strike Out Enacting Words
9.	To Postpone Indefinitely [2]	To Amend [3]

The motion to adjourn is always in order and cannot be debated. The carrying of this motion invariably serves to postpone further consideration. Ordinarily, adjournment is not moved while a bill is under discussion, unless its purpose is delay. When this motion is made under such circumstances, it is rarely carried. Primarily, there is usually other business yet to be transacted and other dilatory motions serve the same purpose without adjourning the body. When the group seeking delay has sufficient strength to muster a majority, one of the other dilatory motions is made, but the motion to adjourn is a favorite during a filibuster, as it is always in order.

Motions to take a recess and adjourn are similar in character. Adjournment is considered the end of a legislative day, while recess is exactly what its name implies, a temporary cessation for a few moments or a few hours. There is a real distinction in that after a recess the order of procedure is continued where it was left off, while the order of business is begun anew after adjournment. While the rules of the Senate do not make this distinction, the practice is to differentiate in the same manner as the House.

A proposal to go into executive session is used only during the discussion of gubernatorial appointments. When there is a matter upon which it is difficult to talk in the presence of

[2] House Rule 18.
[3] Senate Rule 31.

non-members, such as a revision of the law on bastardy, the galleries are cleared.

Like the motions just stated, a motion to lay on the table is not debatable. It is usually the first motion made when the purpose is to kill the bill, and is fairly successful. Even when the majority is opposed to the bill, though, the motion is sometimes defeated, unless prior discussion has been had, for some members feel that, for the sake of sportsmanship, the author of a bill should be given an opportunity to talk in its favor, regardless of its merits. In 1927, 3 bills were laid on the table in the Senate and 9 in the House.

The last non-debatable motion is for the previous question. It is only used, except in cases of political necessity which do not often occur, after long or monotonous debate and after each member, desiring to talk, has spoken at least once. Except in cases of political fights, the motion for the previous question is not approved, as a rule, when the debate has just begun and is often temporarily withdrawn. The rules of the Senate do not provide for this motion or any other motion limiting debate, except that no Senator shall speak twice on any subject until every other Senator has had an opportunity to speak.[4] This same rule is in effect in the House.[5]

The principal difference between a motion to lay on the table and a motion to postpone indefinitely is that the latter is debatable. In both cases, if the motion is carried, the bill is dead and cannot be considered again during the session. The latter is seldom used for the very reason that it is debatable. It is to be noted that this motion takes precedence over all other debatable motions in the Senate and is at the bottom of the list in the House.

In contradistinction, the move to postpone to a certain day is regularly used. The wording in both houses is that the bill "be made a special order for a certain day." The special order not only names the day upon which the bill will again be treated, but also the hour. The hour is never respected and bills are always taken up after the time for

[4] Senate Rule 8.
[5] House Rule 10.

which they have been specially set. One quite usual purpose is to postpone debate, without actually intending harm to the bill. This occurs when the chamber is anxious to recess or adjourn, but in order also to complete routine matters prior to adjournment. When a bill upon which debate is expected is brought before the body, this motion allows postponement of a single bill, without interference with the routine. On such occasions when the length of postponement is reasonable, it is usually agreeable to all. The intent of such a postponement may be to delay the bill by repeated dilatory tactics until the measure has no chance of passage. This is the usual course pursued by an active minority which has enough strength to deny a suspension of the rules toward the end of the session. The original purpose of this procedure, and the reason always given, regardless of the actual purpose, is to permit further consideration before the matter is brought to the floor and to a vote. There were 15 special orders in the House and 40 in the Senate at the 1927 session. The number in the House greatly increased in 1929.

While the Senate rules distinguish between committal and recommittal, the House rules do not, though an important distinction is made on the floor of both houses. To recommit is to return a bill to the committee to which it was originally referred, for further consideration. To commit is to send the bill to any other committee for consideration. The two terms are sometimes interchangeably used, but on the whole, the distinction is respected. To commit and to refer are synonymous. Sometimes, further committee consideration is really desired. Much more often the purpose is to delay or kill the bill in committee.

A bill is amended when the enacting words are stricken out, but the reason that this type of amendment takes precedence over any other is that its passage serves to kill the bill. As a matter of fact, many amendments may serve to render a bill ineffective without killing it, notable among which is an amendment striking out all after the enacting words. An amendment striking out the enacting words never comes from a committee for it would necessarily accompany a favorable report. Amendments from the floor will shortly be discussed.

At this point, it is well to examine the question of reconsideration. Any vote touching bills may be reconsidered, whether the vote be in the affirmative or negative. Any Senator may move the reconsideration [6] if he voted with the majority. In the House,[7] one Delegate may move the reconsideration, if he is seconded by two Delegates, all of whom must have voted with the majority. On recorded votes, members may change their vote at any time before the presiding officer announces the result. Members defeat this rule by watching the vote as the reading clerk records it and if they find themselves in the minority as he compiles the result, the members return to their seats and demand recognition in order to change their vote so as to be able to move reconsideration. An exception is made when a bill fails of passage because of a lack of a constitutional majority. In that event, the motion to reconsider may be made by a Senator or Delegate regardless of his position on the prior vote. In 1927, 12 House and 8 Senate votes were reconsidered.

Motions to reconsider can be made only once and must come not later than two legislative days after the day on which the action was taken. No reconsideration can be had after the bill has been transferred from the body.

If the motion is successful, the bill is before the house on the previous motion and the question is then ready for further discussion and vote.

If a bill is killed, a new measure, identical or similar, may be introduced. A companion, identical bill, passed by the other chamber, may also be transferred for action. Therefore, it may be desirable not only to kill the bill, but to exclude its subject matter for the remainder of the session. A vehicle, known as the "clincher," is supplied for such procedure. This procedure is supported by usage in the Senate and rule [8] in the House. It takes the form of an indivisible motion to reconsider and to lay that motion on the table. In 1927, the clincher was applied to 4 subjects in the House and 1 in the Senate.

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[6] Senate Rule 36.
[7] House Rule 26.
[8] House Rule 26.

After the favorable report, with or without amendments, has been adopted or the bill substituted for the unfavorable report, the bill is upon its second reading. While no motion is necessary to place it upon second reading, such a motion would not be out of order. It has been made only twice in three or four sessions. A Senator in 1929 and a Delegate in 1927, succeeding in having their bills substituted for the unfavorable report after considerable debate, immediately thereafter made the unnecessary motion to place the bill upon second reading, which was defeated.

Bills on second reading are open to amendment from the floor. Comparatively few amendments are so offered and a large proportion meet defeat. The reason that so few are offered is that a member, desiring to amend, will usually proffer the amendment to the committee. If the committee is favorably impressed, it will offer the amendment with the report. This custom also accounts for the large number defeated on the floor, for a legislator who has an amendment which has been rejected by the committee subsequently brings his suggestion to the floor.

When there is to be a fight on a bill, the real fight occurs, in the majority of cases, at the first opportunity which presents itself as the bill approaches or is upon its second reading. There usually is also a fight upon third reading, if the bill gets that far, but it is only an aftermath, as the result is usually known in advance. Few members change their vote between the two readings, and it is generally not difficult, after the first test vote, to determine which members will change.

While bills are printed immediately upon introduction, the printed bills are used only for the files of the members. The original bills are used until the bills pass their second reading. After a bill has survived its second reading, it is ordered reprinted. Of course, Senate bills in the House and House bills in the Senate do not have to be reprinted for third reading.

Reprinting consumes from one to seven days, depending on the lateness of the session. The closer the session is to

termination, the less time is taken in printing. The reprinted bills incorporate any amendments and are thenceforward used in place of the original bills. Those of each body are reprinted in the same uniform colors, blue for the House and white for the Senate.

Strictly, when a bill which has passed one house and is on second reading in the other, is amended, it should be reprinted before third reading. In 1927, 47 House bills and 57 Senate bills were so amended. This practice is not followed, the amendment being placed on separate white paper and clipped to the bill. Such bills are, however, again reprinted before presentation to the governor for signature.

As Senate bills in the House and House bills in the Senate do not require reprinting, they are ready for action on third reading the day after they have passed the second reading. The rules may be suspended and such bills immediately put on third reading. This infrequently occurs early in the session, but is usual during the last three days. The rules cannot be so suspended on bills which are still in the house of their origin, for they must be reprinted, unless they are engrossed.[9] From two to five bills are engrossed each session.

The order of consideration of bills on third reading differs in the two chambers.

The House makes but a single division. The House bills and the Senate bills are considered separately, each in their own group. Often some bills are left over from the previous legislative days and these are indiscriminately mixed with those newly received. During the last month and a half, the House may fail to reach or complete its third reading file during the legislative day; such a failure may continue for two or three legislative days. The Senate bills suffer more, as the House third reading file, by custom alone, takes precedence over the Senate bills.

The power of arrangement heretofore considered, again exists. The Speaker may place the bills in any desired order. More important, general and local bills are intermingled. A

[9] Constitution, Article III, Section 27.

general bill may be placed in the midst of a number of purely local measures and, due to the rapidity of procedure, slip by unnoticed.

Solely as a result of custom, a calendar of bills ready for third reading is daily posted. This list is published in a conspicuous place in the chamber about an hour before the time scheduled for the meeting. Until the last two weeks, this list offers, except for typographical errors which sometimes occur, a full compilation of all bills which will that day be brought before the House on third reading. The last two weeks finds bills being returned from the printer at all hours so that additions are regularly made without posting. The Speaker, just prior to taking up the third reading file in the regular order of procedure, makes it a practice rapidly to read out these additions.

Although the Senate moves more slowly, its system appears to be more efficient. While a House rule [10] provides that each House bill be given a calendar number in the order in which it passed its second reading, and that bills be presented for third reading in the order of their calendar numbers, this rule is entirely disregarded. On the other hand, the Senate has a similar rule [11] which is followed fairly scrupulously.

The rules provide for a division, similar to that used by the House, between Senate and House bills. Each of these groups is further sub-divided into two separate calendars, one containing public, and the other, local measures.[12] A regular order of precedence is set forth, the groups being considered in the following order: Senate general bills, Senate local bills, House general bills and House local bills.[13] A calendar laid over on one day takes precedence on the next and is not intermingled.

The Secretary must also furnish each Senator, prior to the daily meetings, with a copy of the calendars and the bills are then considered in the order of their appearance on the calendar unless the rules are suspended.[14]

[10] House Rule 43.
[11] Senate Rule 25, Sections 3 and 4.
[12] Senate Rule 25, Section 2.
[13] Senate Rule 2.
[14] Senate Rule 25, Section 5.

When the third reading calendar is reached, the presiding officer hands the measures, one by one, to the reading clerk. The reading clerk reads the title or part of the title and the bill is ready to be acted upon.

The same dilatory and deadly motions capable of being used on second reading are still in order. To recommit a bill at this time is even more serious as the bill will be returned to a committee and be forced to pass through the same procedure as though it had never passed its second reading.

Bills still in the house of their origin cannot be amended on third reading. There are three possible means of amending legislation which has reached that stage. The bill may be recommitted to a committee and there amended. This mode throws the bill back to its second reading and it must await committee report and again pass second reading. There is another mode, which does not cause a loss of nearly so much time. The house may go into committee of the whole to consider a bill on third reading. A motion is made that the body go into committee of the whole. The presiding officer leaves the chair and appoints a temporary chairman. The bill is then considered and the amendment made; at the completion of the amending process, a motion is made that the committee rise. The presiding officer returns to the chair and receives the report of the chairman of the committee of the whole. This report, taking the form of a favorable report with amendment, is immediately acted upon; the bill is placed upon second reading and ordered reprinted for third reading. The use of the committee of the whole saves approximately two days over recommittal, as the time taken for committee's consideration, and the waiting period for the ordinary committee report is obviated. The third, and rather usual procedure, is to allow the bill to pass the house of origin without amendment, and have the proposed amendment offered in the second chamber. By this method no time is lost, inasmuch as it will be unnecessary for the bill to be reprinted before final passage in the second house. In 1927 amendments had been prepared in the house of origin for a large proportion of the 59 Senate bills amended in the House and the 47

House bills amended in the Senate, and held until the bill reached the second chamber. This method would be more extensively used, were it not for the fact that at times a member fears that, through some possibility, the amendment might not be adopted in the second chamber.

Bills which have passed one house and are upon third reading in the second house can be amended. Immediately following amendment, the bill is placed before the body for final passage.

Comparatively few bills are amended in either house while on third reading. Usually, any motions which are made just prior to final passage are made for the purpose of delay or of killing the bill.

After the reading clerk has read the title, the bill is open for discussion. No discussion takes place on ninety per cent. of the bills. Where discussion does ensue, it is usually much shorter in duration than the discussion held on second reading. If there is no discussion, or at its termination, the clerk is ordered to call the roll. This is the only time in the passage of a bill when a recorded vote is necessary.

The Constitution [15] requires that each bill be passed by a majority of all the members. It occasionally happens, when a bill is contested, that while a majority of the members present vote in favor of the measure, it must fail because there is a lack of the necessary majority. When such a situation occurs, the usual procedure is to attempt to reconsider the vote on the following day or two with a larger membership present. Six bills failed to pass because of a lack of a constitutional majority in each house during the session of 1927.

As mentioned above, each house does amend and kill some bills which originated in the other chamber. The session of 1927 saw the House kill 71 Senate bills and the Senate reciprocate by killing 48 House bills; 34 of the Senate bills received unfavorable reports which were adopted and 32 died in committee. Two methods were used an equal number of times to bring about the death of the House bills, unfavorable reports and the committee dungeon.

[15] Article III, Section 28.

After House bills have passed the House and Senate bills have passed the Senate, they are ready for transmission to the other body. The Chief Clerk and Secretary prepare daily messages to the other chamber, which contain the bills so to be transmitted. Each bill is receipted for, so that there will be no possibility of loss in transit, without attendant responsibility.

In some instances, after bills have been passed and sent to the second house, there may be a desire to reconsider a particular issue. Inasmuch as the bill is out of the hands of the house desiring reconsideration, no action can be taken until it is returned. As a matter of courtesy, bills are always returned upon request. The members desiring reconsideration prepare a message to the other body asking the return of the bill. Upon receipt of this message, the other body answers by message, returning the measure. Each body requests the return of five or six bills every session. It occasionally happens that a bill passes through one house, passes the second house, and has already been presented to the governor for signature, before it is discovered that a reconsideration is desired. The house of origin can no longer request its return, for too much time has elapsed since the bill left the chamber. The second house, however, may request the governor to return a particular bill for further consideration if it has not already been signed. This situation rarely presents itself, but when it does the governor always grants the request. During the session of 1927 no such instance occurred; however, in 1929, the governor was requested to return one bill for further consideration.

When bills have passed both houses, they are ready to be returned to the house of origin. There is no further action necessary to be taken upon bills which were not amended in the second house. They are received and the reading clerk advises the members of their return by reading a list of the numbers of the bills.

When bills have been amended in the second house, action must be taken to bring both bodies into accord. A bill which has been amended in the second house, when returned to the

house of origin, is brought before the body for action. The reading clerk reads the number of the bill, the title and the amendment. Three courses of action are open. The course most frequently adopted is for the house of origin to concur in the amendment made by the second house. If a motion so to concur is passed, the bill is put upon its final passage and the roll called, in order to determine whether a constitutional majority is in favor of its passage as amended. The house of origin may refuse to concur in the amendment made by the second body. If such procedure is taken without further action, the measure dies. The Senate refused to concur in amendments to one bill and the House to three in 1927; thus all were killed. Usually, though, there is an attempt at compromise. A compromise appears in the third course. Procedure for compromise is for the chamber in which the bill originated to refuse to concur in the proposed amendment and to ask that a conference committee, composed of members from each of the houses, be appointed. This request is uniformly granted, and while eight of these conference committees were appointed during the sessions of 1927 and 1929, their recommendations were accepted by both bodies in all cases save one.

Legislation passed by both houses is then ready for presentation to the governor. Every bill must be presented to the governor before it can become law.[16] The governor may sign the measure or veto it. If he vetoes the bill, it is then returned to the house of origin, which house enters his objections in its journal. If three-fifths of all the members of each house again pass the bill, it becomes law without the signature of the executive.

The governor may see fit neither to sign nor veto the bill. If this failure to act occurs while the legislature is in session, the bill becomes a law, but if it occurs after the legislature has adjourned, the bill fails to become a law and is pocket vetoed. No bills became law because of the governor's failure to act during the sessions of 1927 or 1929, nor was the pocket veto used. The executive is given a six day period of grace, Sundays excluded, in which to act after presentation.

[16] Constitution, Article II, Section 16.

Through an amicable understanding with the employes and officers of each body, bills are not presented to the governor immediately upon passage, but are held for a period, in order to give him sufficient time for due consideration. This obviates the necessity of vetoing during the session in many cases. All bills are not presented at one time, especially after the last legislative day, but are forwarded in groups to allow greater consideration, in order that action may not be taken by the governor until ten or twelve days after final adjournment. The procedure for signing bills is more or less formal.[17] The chairmen and chief clerks must be present to witness the event for the purpose of verification. The new laws are then certified to the clerk of the Court of Appeals, to be retained in his custody. Copies are forwarded to each of the *nisi prius* judges throughout the State so that they may be immediately apprised of the new statutes. These copies are bound and contain all laws, whether or not signed, and the governor's grounds for the veto of certain bills.

During the sessions of 1927 and 1929 there was little possibility of the legislature overriding the governor's veto, for the great majority of bills was passed during the last week of the session. Moreover, of the bills passed earlier in the session, many were presented at the session's close. During the 1927 assemblage, only one bill was vetoed and that veto was not overridden; during the 1929 session no bills were vetoed before the General Assembly adjourned *sine die*. The present Governor does not make use of the pocket veto. He either signs a measure or vetoes it. In the event he vetoes a measure, he gives to the press the reason for veto in full. It is anomalous that while the present Governor wields considerable influence and acts as political leader of his party in the State, he is forced to veto a number of bills each session which he has asked the legislature not to pass and promised to veto, if passed.

The General Assembly enacted 713 measures in 1927 and passed 578 in 1929. The Governor vetoed 90 measures, which

[17] Article III, Section 30.

had been passed by the General Assembly of 1927, and 58 in 1929. Of the bills vetoed in 1927, five were exactly duplicated by another bill. Twenty-seven of these related to the Baltimore City police department and the decrease in their number accounts, in part, for the decrease in the number of vetoes in 1929. Only fourteen bills of a general nature were vetoed in 1927.

The last section of each bill states the date when it is to take effect. Ordinarily, this date is set as June 1 of the year of its passage. Infrequently, for reasons germane to the particular bill, a later date is set. This last section is usually unnecessary, as the Constitution has set June 1 as the date upon which bills are to become effective.[18]

The General Assembly can not provide for a popular referendum on general bills, as this has been held to be an improper delegation of its power.[19] It can provide for a referendum on local bills, as each locality is entitled to local home rule; therefore, such a referendum is not considered a delegation of exclusive power.

The Constitution has set up, however, the machinery for referendum upon petition on all bills, and it is in order to give the people an opportunity to prepare a petition, that bills do not take effect from the date of passage.[20] The date of passage is, of course, the date upon which the governor signs the measure.

In some cases, it is urgent that a bill be given immediate effect and provision is made for such cases. If a measure contains a section which states that it is an emergency act and necessary to the preservation of the public health or safety, and if it is passed by a vote of three-fifths of the members of each house, it will take effect from the date of its passage. If such a bill receives a constitutional majority, but fails to receive a three-fifths vote in either house, it takes effect, along with all other measures, on June 1. Such emergency laws

[18] Article III, Section 31.
[19] Brawner v. Supervisors, 141 Md. 600.
[20] Article XVI, Sections 1 and 2.

can not be passed to affect any public office or the salary of that office.

When a proper petition has been prepared prior to June 1, an ordinary piece of legislation is estopped from going into effect until after the determination of the question at the poll. Emergency measures, however, remain effective until the referendum has been decided.

A petition containing 10,000 names is required in order to gain a referendum upon a general law. Not over one-half of the signers of this petition may reside either in Baltimore City or in any one county. For a referendum on local legislation, ten per cent. of the qualified voters are required.[21] The law is then printed upon the ballots and "for referred law" and "against referred law" are added. If the majority of the votes cast are "against referred law," the legislation becomes ineffective.[22]

The provision for referendums was added to the Constitution in 1914 and 1915. In order to obtain the passage of this innovation, it was necessary to convince some of the members of the sincerity of the move; therefore, a provision was inserted that no referendum would be allowed on any act relating to the regulation or prohibition of intoxicating liquor.[23]

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[21] Article XVI, Section 3.
[22] Article XVI, Section 5.
[23] Article XVI, Section 6.

CHAPTER V

Extra-Legislative Forces

There are a number of extra-legislative forces which are continually at work influencing or attempting to influence legislation. These forces begin to work even before the General Assembly is convened, and continue, day and night, until the moment of final adjournment. The weight of these influences varies from impotency to extreme importance.

Most powerful of all the forces at work is the governor. The incumbent, who is now completing his third term, has been exceedingly fortunate in having a substantial majority in both houses which, during the sessions of 1927 and 1929, yielded plastically to his will. His influence has been exceedingly weighty and he has interested himself in a number of matters, some of which have been relatively minor in character. The Budget System has, no doubt, aided not a little in strengthening his growing influence. Inasmuch as the incumbent has held the office ever since the induction of the budget, it is difficult to attribute the increase in his influence over that exercised by previous governors to the Budget System and other reforms, rather than to the personal political strength of the incumbent. Prior to and during the session of 1929, he weathered a political storm, attendant upon an administrative scandal, which at one time assumed large proportions. Not until a new governor takes office will a satisfactory test be possible. There is no doubt, however, that certain administrative reforms have tended to increase the power of the governor and decrease that of the General Assembly. These have made the administrative officers responsible to the executive alone, and have made officers, formerly elective, appointive.

The first opportunity for the governor to exert his influence, publicly, presents itself when he addresses the joint meeting of the House and Senate at the time the legislature is first convened. He may take no little part in the choice of ma-

jority party officers in caucus, but this is done under cover. As stated above, the governor's message to the legislature is printed, as in many other states, and distributed to each member. It contains not only budgetary proposals, but concerns itself, in addition, with a number of other legislative reforms and proposals. The suggestions contained in the message relate to almost every phase of the State government. Most of these suggestions are later transformed into bills and introduced by the leaders of the majority party. They are, immediately upon introduction, unofficially known as "administrative measures," which label follows them throughout their course.

The governor further fulfills the office of Chief Legislator in that he is constantly consulted by Delegates and Senators of both parties, who seek his advice and assistance for their measures. A bill's chance of passage is greatly enhanced when the word is passed that the governor desires its enactment. The converse is also true when the word is passed that the governor is opposed to a measure.

Besides being an affirmative influence, assisting in the passage of legislation, the governor's great bludgeon, the veto, is used as a negative influence. He can nearly always force a suggested amendment to be appended to a bill by his promise to veto it unless the amendment is attached.

On the other hand, the statement, on behalf of the governor, that a bill, if passed, will be vetoed, does not by any means insure its defeat by the legislature. On the contrary, it sometimes makes certain the passage of a bill, especially where there is public sentiment in its favor. Members of the legislature opposed to the bill but moved by outside political and non-political forces to vote in favor of the bill, will do so when thus assured that the measure will not become law, even if passed. Illustrative of this very situation is the legislation relative to the police force of Baltimore City. The Police Commissioner of the City is, by general law, given discretionary power to pension and fix the amount of pensions for police officers. The practice had been for the legislature to pass numerous special acts each session pensioning, chang-

ing the amount of pensions, and directing reinstatement in individual cases. The Governor, at the beginning of the 1927 session, publicly and privately announced that he would veto all such special legislation on the ground that the general law was sufficient, and that the discretion vested in the Police Commissioner was being capably used. Despite this warning, no less than twenty-seven such special bills were passed. The Governor promptly vetoed all such bills, but the 1929 session found a number of them again introduced and passed, only to be again vetoed. The members from Baltimore City had used and continued to use these bills to curry favor in their own constituencies.

Other political influences, in addition, are always present. On the first day of the 1929 legislative session it was estimated by a newspaper that for every member in the Capitol there were two practical politicians, not members, present. This estimate was obviously conservative. Politicians, not members, are always present in numbers at all hours during the ninety days. They bustle in and out, hold conferences, and some are always present on the floor of the chambers. At times, before an important vote, members can be noticed retiring to the ante-rooms with their respective bosses to receive instructions. These politicians make no attempt to hide their intent and purpose. Some even boast of the number of votes which they control; a number of them sometimes claim to control the same member. Rumors of graft are always rife, but not in recent years has any evidential proof been publicly established. Possibly these rumors, to the effect that the political bosses and members share in money accepted in exchange for votes, are false; possibly, these rumors remain rumors for the reason that it is exceedingly difficult to obtain any substantial proof since the interested parties alone possess the information, and are smart enough to leave no tangible evidence of the reported "deals"; possibly no one is interested enough or willing to risk the result of mistake in order to trace the rumors to their source and lay charges. Suffice it to say that threats against bills, when made by politicians in attendance of any influence, are usually carried out. The

statement made by one of the delegates fairly covers the subject. He said, in effect, that the reason the political bosses at popular elections consistently oppose all attempts to amend the Constitution by raising the remuneration paid to members is that, perhaps, if the salary were raised, men of intelligence would become legislators, and that the bosses could not order the legislators about as they now order fools like himself and some of his fellow members.

The reguarly constituted lobby forms still another mode of external influence. Recently, lobbyists have been forced to register in a book kept in the governor's office for that purpose. Each lobbyist must inscribe therein his name and the organization or organizations which he represents. This is a mere formal requirement, not enforced, but usually followed by all lobbyists. They are, as a rule, allowed a great deal of freedom. Some are even present on the floor when a bill in which they are interested is under discussion and being voted upon. Only twice in the past two sessions has any reference to the rule, which forbids all others but members from being on the floor, been mentioned in their respect, and only once was it invoked. On that occasion, a Senator forced a public official of Baltimore City, for no other reason than malice, to leave the floor.

There are two distinct types of lobbies. One is composed of those individuals who are envoys of industries, public utilities or some other profit seeking principal. The other type represents patriotic, civic, moralistic or church groups. Those of the former have a sounder basis upon which to work in that they mix well with the members; the latter, as a rule, stand a bit aloof and need to be more formal in their attempts to influence. Those of the former type, too, seem to meet with a greater degree of success than do the latter, for the men who represent the industries, beside being backed by powerful forces, are usually politicians, and a number formerly held State offices of one kind or another.

There is yet another type of lobbyist. He is a municipal or county official. Dodd claims that he is more successful

than civic organizations.[1] On the other hand, this has not been true in Maryland during the past two sessions. This type of lobbying was signally unsuccessful, especially in the case of the Republican Mayor of Baltimore City and his capable Deputy City Solicitor at the session of 1929. When there is a matter of political and party importance, the municipal or county official leaves the matter of influencing members to politicians and usually does not attempt it himself.

The lobbyist must begin to act from the moment a bill in which he is interested is introduced. He first attempts to influence committee action and, if opposed to the measure, to cause its death in the committee. If he is in favor of the bill, he must continually be active up to the very moment that the bill is to be signed by the governor.

There are two indirect means whereby the lobby attempts to reach the legislator. The first mode is directed to the body as a group through petitions and memorials. The second is directed to each legislator as an individual and is accomplished by pamphlets, letters and telegrams. Every legislator receives daily many communications of this nature. Their volume, alone, detracts from the worth of this type of lobbying. As for pamphlets, the vast majority are discarded, unread. There is little time to read in or about the chambers; few would take a pamphlet along with them, and the very length of the pamphlets as compared with letters causes many to be discarded. Letters form the greatest bulk. They come from persons residing inside or out of the district or county represented. The difficulty with them lies in that many are form letters, and also in the fact that the letters on a particular subject can usually be traced to a single source. Telegrams are the most persuasive of this type of lobbying, because of the flattery and the seeming importance of the message. On the other hand, the legislator is prone to suspect an ulterior motive due to the cost of telegraphing a number of members of the legislature.

[1] Dodd; State Government, pp. 205-206.

A large number of lobbyists are present at every session; some of them represent a number of interests, while others have but a single principal; some remain at the Capitol all during the session, while others appear only once, to attend a committee hearing or to go into conference with the leaders.

To a large degree, the real strength of a lobby—and this applies to public opinion—lies in its very presence. More bills fail to pass because of the absence of external influence than pass because of the activity of a lobby.

Public opinion in itself is not so highly important, though at times it is deeply felt. Primarily, the legislators are some distance from their constituents. Secondly, the average person is in a decidedly lethargic state as respects the legislature and is not greatly concerned in any of its actions. Interested parties and those who will directly profit or lose are expected to take an interest, so that large delegations and many communications, in respect to such matters as raise in pay for school teachers, do not affect to an appreciable extent the proposed legislation, for the legislators are already well aware of the attitude of persons thus naturally interested. Also, paid lobbies are in constant attendance to care for moral and spiritual issues; therefore, church delegations and memorials presented by religious groups are of little consequence. Memorials from a number of religious organizations were presented to the House at the last session in favor of a State liquor prohibition enforcement act, later defeated, and these were referred to the Temperance committee composed of nine members, eight of whom were avowedly opposed to the measure and the other, a former preacher, unutterably in its favor. Proof that the committee could be changed by no demonstration lies in the fact that neither lobby requested a hearing, public or private.

Finally, the press constitutes the most potent non-political force. It rivals, in its influence, even the governor and the political bosses. The members of the press are pampered and favored throughout the legislative meeting. Their favor is always curried in the hope that favorable news will appear in the papers. A press warning that a certain subject will

receive unfavorable news reports acts as a decided deterrent. Reporters are accorded many privileges in both chambers. The Speaker of the House and the President of the Senate each tenders a banquet to the newspaper representatives every session. A press table is placed directly in front of the chair in each house, and the rules of the Senate even specify that a copy of each bill introduced is to be reserved for the use of the press.

Members often consult the press to ascertain the attitude of newspapermen before taking a contemplated step. Speeches are often made, not to convince the body, but for the purpose of outlining the views of a member to the people through the medium of the newspapers. This is the only means of placing before the people the opinions of a member in explanation of his actions, for, as aforesaid, the respective journals print no speeches. At times, a member will rise on a point of personal privilege to answer newspaper criticism or, thus directly, he will, under the guise of talking on another subject, devote his speech exclusively to the task of answering some newspaper report. It is not infrequent for an individual member or a committee to prepare a written statement for distribution to the reporters.

In general, the General Assembly leans very strongly upon these external forces, which factors must always be taken into consideration in any attempt to determine the probability of any measure becoming law. Little or no legislation is free from the effects of these influences. Some few members remain immune and are untouched by the ever-present attempts to exert swaying influence. On the whole, the legislature is free to use its own discretion only when the governor, politicians or the press do not choose to dictate.

CONCLUSION

The author has attempted to outline the general procedure and actual functioning of the General Assembly of Maryland without devoting too much space to pure criticism. Perhaps this lack of criticism has given the reader the impression that Maryland's legislative department functions both smoothly and well. If this impression has been gathered, let it be immediately dispelled.

When one sets out to attend a session of the Maryland legislature, especially if he has political theory and ideals in mind, he will no doubt look forward to ninety days of enlightening instruction, days which will illustrate the salient, underlying reasons for the strength of a republican form of government. As the session wears on, however, faith in the political theories and ideals is lost; these ideals and theories are one by one destroyed and the spectator is prone to wonder how democracy has been able so long to exist. Yet, when the session is concluded and recapitulation discloses that actions of the legislature have done no real harm, and that a few steps have been taken along the pathway of advance, the spectator feels justified in reviving his confidence in the inherent ability of democracy to exist and progress.

Whatever the mental ability of the legislators, whatever the general decorum, whatever the efficacy of the committee system, whatever the amount and caliber of the discussion, whatever the influence of the external forces, the only means of ascertaining the worth of a legislative body lies in an examination of the results of its efforts.

While some defective legislation is passed, and while the omission to act in other instances produces deleterious results, the General Assembly is, in the main, successful—in that it makes provision for most of the problems, minor and vital, which arise in the affairs of the State; it enacts sufficient current legislation to meet the needs of the State for the two-year intervals; and, as session follows session, it contributes

by degrees to the formation of an effective economic structure, adequate to the changing public requirements.

But while the passage and rejection of proposed laws is the direct manifestation of the power of the legislative body, it is held to have a broader purpose. The legislature has been called the policy-determining[1] or policy-forming organ of state government. Dodd[2] states that this primary function is expressed in four forms: the control of appropriations, govermental administration, local administration, and private relationships. At this point, it may be of interest to compare the nature of the laws passed in Maryland, having in view these four classifications, with those of another State. The figures are available for the Illinois sessions of 1917 and 1919. The Budget System was not then in effect in Illinois.

Class	Ill. 1917	Ill. 1919	Md. 1927
I	63	67	12
II	150	177	175
III	108	171	300
IV	17	14	91

Using this classification as the expression of policy on the part of a legislature, there is much in the present government of Maryland which would serve to restrict policy-forming by the Legislature and transfer it to the Executive. The budget system has affected the first form, and the strengthening of the executive has certainly weakened the legislature in regard to the second. The counties themselves formulate their prospective laws, their representatives alone discuss the merits of the proposition, and the legislature as a body generally follows the dictates of each local delegation. Therefore, while in form the legislature passes the laws, in effect the governing body of each county lies in its own representation and policy formation lies with the elected officers of the county rather than with the legislature as a whole. Municipal home rule in Baltimore City has certainly removed considerable power over local government, and the applica-

[1] Walter F. Dodd, State Government, p. 188; Ogg and Ray, Introduction to American Government, p. 625.
[2] Dodd, pp. 188-189.

tion to the counties of the Home Rule Amendment [3] will take away the rest. It is only in the last mentioned mode of forming public policy that the General Assembly of Maryland really can function, and herein it is continually working in the shadow of the restraining arm of the courts.

[3] Infra., p. 66.

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VITA

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